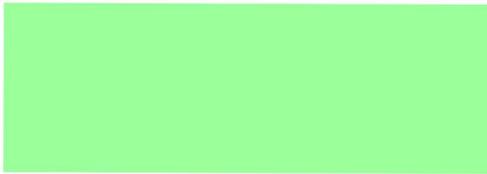


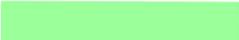
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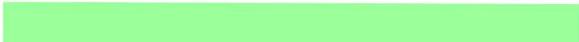
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

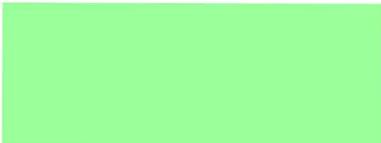


DATE: **JUN 21 2013** Office: VERMONT SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office ("AAO") on appeal. The AAO will dismiss the appeal.

The petitioner filed this nonimmigrant visa petition to classify the beneficiary as an intracompany transferee with specialized knowledge pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Texas limited partnership, states that it is a subsidiary of [REDACTED] located in Mexico.¹ The petitioner operates a telecommunications services business specializing in contact center solutions. It seeks to employ the beneficiary in the position of Call Center Manager for a period of two years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he has been or will be employed in a capacity involving specialized knowledge.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel emphasizes that the position requires "knowledge of the organization's service, techniques, management and software knowledge" that "can only be obtained through actual hands-on knowledge that is only acquired through years of experience with the company in Mexico," including experience with its culture and language. Counsel submits a brief in support of the appeal.

I. The Law

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within the three years preceding the beneficiary's application for admission into the United States. In addition, the beneficiary must seek to enter the U.S. temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate.

If the beneficiary will be serving the United States employer in a managerial or executive capacity, a qualified beneficiary may be classified as an L-1A nonimmigrant alien. If a qualified beneficiary will be rendering services in a capacity that involves "specialized knowledge," the beneficiary may be classified as an L-1B nonimmigrant alien. *Id.*

Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B), provides the statutory definition of specialized knowledge:

¹ The petitioning employer identified on the Form I-129 is [REDACTED] a Texas limited partnership established on May 4, 2000. The letter in support of the petition states: "The Petitioner, [REDACTED] is a corporation incorporated under the laws of the State of Texas." It appears based on the totality of the evidence that the [REDACTED] is a fictitious name used by the petitioner and the foreign entity.

For purposes of section 101(a)(15)(L), an alien is considered to be serving in a capacity involving specialized knowledge with respect to a company if the alien has a special knowledge of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company.

Furthermore, the regulation at 8 C.F.R. § 214.2(l)(1)(ii)(D) defines specialized knowledge as:

[S]pecial knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures.

Finally, the regulation at 8 C.F.R. § 214.2(l)(3) states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training and employment qualifies him/her to perform the intended services in the United States; however the work in the United States need not be the same work which the alien performed abroad.

II. The Issue on Appeal

The sole issue to be addressed is whether the petitioner established that the beneficiary possesses specialized knowledge and will be employed in a specialized knowledge capacity.

On the Form I-129, Petition for a Nonimmigrant Worker, the petitioner stated that it is engaged in telecommunications services, with 240 current employees and over \$23.2 million in gross annual income. In a letter submitted in support of the petition, the petitioner indicated that it "provides contact center solutions around the world by delivering superior performance in customer management."

The petitioner indicated that the beneficiary has worked for the foreign entity in Mexico for just over four years, working in the positions of Quality Assurance Specialist, Customer Satisfaction Manager, Quality Manager, and Operations Manager.² The petitioner stated that he is currently in charge of two call centers with over 2000 agents, 70 quality agents and 170 supervisors. It explained that he is "responsible for the call center daily operation, to include the quality and efficiency of all personnel by promoting developing and providing continuous training to Supervisors."

The petitioner attached a separate position description for the Operations Manager position based in Mexico. The duties, nature and scope of the position are described as follows:

The occupant of this position collaborates with Quality Control Management and Account Executives as well as with Floor Managers who is a direct link with supervisors of programs.

Considering the role of the entire operations at a Contact Center is to efficiently fulfill client's market demands, this requires a strong and thoroughly observed performance from their teams with a high level of energy and motivation as the work system demands achieving not only client's goals but the group's mission. Hence the importance of the involvement of partners at all levels within the operation in strategies and actions led by the Operations Manager.

This process is works [sic] at a fast pace, and therefore requires constant monitoring to verify efficiency and apply pertinent modifications in time to prevent wasting useful resources.

Functions

Maintain an appropriate work team; Floor managers, Supervisors, Traffic Controllers and Agents are aware, trained and motivated on their goals, objectives and strategies to reach these with the support of other departments within the company such as Human Resources, Engineering and Systems, and other operational areas.

The petitioner described the beneficiary's proposed duties and requirements of the proposed Cell Center Manager position as follows:

- Direct contact to all client relations;
- Interface between [the petitioner] and current clients;
- Responsible for all operation management, including workforce, traffic and training department[;]

² The AAO notes that the beneficiary's resume identifies an earlier start date with the foreign entity (May 2004 rather than December 2005), and indicates that he has held the positions of agent, quality agent, supervisor, customer satisfaction manager, operations manager, and quality manager, which he identifies as his current position.

- Accountable for all metric requirements requested by the clients, which includes staffing goals, quality assurance, schedule adherence, dispositions, transfers and meeting monthly quotas.

In light of the responsibility of the position being offered, it is vital to [the petitioner's] success that the applicant has specialized knowledge and experience in Floor Management and Quality Management in a Call Center Environment. The applicant must have a bachelor's degree and 2 years of experience as a call center manager or 6 years of call center experience in managerial roles may be substituted for education requirements. It is also important that the applicant be fluent in both the Spanish and English language and must also be familiar with Mexican and United States Company's service level procedures, as well as our internal procedures.

The petitioner provided an attachment with the following description of the position's essential duties and responsibilities:

- Make necessary changes in staffing based on day of week, sales promotions, other anticipated events and PBX data.
- Responsible for daily call center productivity and generation of statistical reports.
- Reviews call center data to monitor the customer experience and subordinate statistics.
- Monitoring of individual, team and call center results to identify and act on both positive and negative performance trends to insure attainment of revenue goals and performance targets.
- Monitors service calls to observe employee demeanor, technical accuracy and conformity to company and vendor policies.
- Answers questions and recommends corrective services to address customer complaints.
- Communication and follow up to insure call center employees to include management and representatives are fully informed of all new information related to products, procedures, customer needs and company-related issue, changes or actions.
- Monitors and manages all information of work volume statistics for accounting purposes and to keep records of customer service requests and complaints.
- Supervises work procedures, preparation of work schedules, and manages workflow.
- Studies and standardizes procedures to improved efficiency of subordinates.
- Maintains harmony among workers and resolves escalated grievances.

The position description indicates that the competencies required for the petition are problem solving skills, customer service skills, oral communication skills, people management skills, and attendance/punctuality.

The director issued a Request for Evidence (RFE) in which he advised the petitioner that based on the initial evidence, the beneficiary appears to possess knowledge and perform duties that are typical of a call center manager. The director requested additional evidence to establish that the beneficiary has been and will be employed in a capacity requiring specialized knowledge, including: (1) an explanation of any special or advanced duties that are different from others performed by similarly employed workers in the petitioner's organization or

in the industry; (2) a more detailed explanation of exactly what is the equipment, system, product, technique or service of which the beneficiary possesses specialized knowledge; (3) information differentiating the beneficiary's training from that of other similarly employed workers; and (4) the number of persons holding the same or similar positions at the beneficiary's proposed U.S. worksite and a copy of the petitioner's organizational chart.

In response to the RFE, the petitioner explained that the duties of the call center manager position are currently being performed by the company's site director for the Edinburg, Texas location. The petitioner indicated that it has created the call center manager position at the location to mirror the structure of the foreign entity and to relieve the site director from performing these duties during the rapid growth of the company.

In response to the director's inquiry regarding any special or advanced duties the beneficiary will perform, the petitioner emphasized that, during his tenure with the foreign entity, he has worked in almost every position within a call center, and is fully knowledgeable of the responsibilities and requirements for agents, quality assurance, operations, training, quality management and operations management. The petitioner further stated that the beneficiary "has expertise in Finances, Human Resources, IT and Legal Contracts." The petitioner described the beneficiary's knowledge in each department as follows:

- Within the Agent Department the beneficiary has expertise in the agent's performance is satisfactory and that all the client's requirements are met. He is aware of the responsibilities of campaign operations both inbound and outbound. . . .
- In the Quality Department, the beneficiary has understanding of the quality procedures He knows how to make pivot tables and presentations for clients including root cause analysis, he is able to generate statistics based on sensitive data from surveys and quality, such as Issue Resolution, First Call Resolution and create action plans to improve performance. The beneficiary is skilled in meeting TOPS, a company worldwide standard, which is a full process from daily actions to review and act upon results. . . . This practice ensures that the department is working simultaneous[ly] at least 80% of the time. The beneficiary is also certified in Customer Operations Performance Center (COPC). COPC is an Industry Standard Operation for all call centers. . . . This certification is a transitioning process which takes over a year to complete. This is a new development that our United States Company will require; therefore no one in the United States has yet to be certified in COPC.
- Within the Operations Department, the beneficiary is experienced in using an internal system called NSIIT. NSIIT is a unified call center application developed by the [petitioner's headquarters]. This system is used to manage business protocol such as payroll, attendance, efficiency, key performance metrics, dispositions, call statistics, skills, campaign and reporting.
- In the Technology Department, the beneficiary is knowledgeable in the infrastructure. He understands how the connections, switches and networks operate from the call center to the clients and to other different sources, voice and data, and how each affects the operation. . . .
- In the Work Force Department, the beneficiary is capable of overseeing and projecting the personnel required in fulfilling daily operations.

The petitioner stated that the beneficiary "has worked every position that a Call Center Manager oversees" and is more experienced than any current U.S.-based workers. The petitioner stated that the beneficiary also possesses the "unique knowledge" in NSIIT, COPC, PCI and TOPS. The petitioner reiterated that no U.S.-based employees currently have the COPC certification and indicated that the beneficiary would be able to certify individuals based in Texas. The petitioner described PCI as a "certification needed for call centers that operate with credit card information." The petitioner stated that the U.S. center is PCI-compliant but emphasized that the certification "must be enforced." The petitioner indicated that both NSIIT and TOPS were created by the foreign entity, but it did not specify whether the U.S. employees are familiar with these systems/procedures.

In response to the director's request for additional explanation regarding the beneficiary's training, the petitioner stated that "the beneficiary has been trained in all aspects of the operation throughout his eight year tenure" with the foreign entity, and "has acquired all of our Corporate Certifications such as Five Star Leadership and Leadership through Values." The petitioner provided a brief overview of the duties the beneficiary performed as an agent, quality agent, supervisor, quality coordinator, floor manager, quality manager, and call center manager. The petitioner emphasized that the beneficiary has managed both inbound and outbound campaigns and worked with clients in different industries, including utilities, services and technical support. The petitioner further stated:

All of this training would require someone coming from below in an organization, which is not a common practice and would also require years of experience and training within our organization. The specialized knowledge he has acquired in his current and previous positions held in Mexico are so unique that the only way this specialized knowledge attained is through actual hands-on work experience that is not typical of any call center manager. The Beneficiary will be employed in a new position in the U.S. company which will require all the prior training and experience which are unique in themselves through hand-held experience for the new position.

The petitioner indicated that the beneficiary is capable of providing quality agent training, supervisor and floor management training and account management training. The petitioner also indicated that the beneficiary "will provide system and tool training that no United States employee has knowledge of including TOPS, COPC and NSIIT." The petitioner emphasized that NSIIT is essential to the petitioner's management while COPC and PCI certification training "are imperative to our U. S. Company's requirement compliance."

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he has been or would be employed in a position requiring specialized knowledge. The director observed that, based on the duties described, the beneficiary is not required to possess knowledge or perform duties that are significantly different from what would be expected of any call center manager.

On appeal, counsel asserts that the beneficiary "does indeed posses [*sic*] the specialized knowledge required for the position offered and that such position is one of specialized knowledge capacity" as defined at 8 C.F.R. § 214.2(I)(1)(ii)(D). Counsel repeats that the call center manager position is being created to mirror the current structure of the foreign headquarters. He indicates that there are other group companies operating in the United

States but asserts that "no other U.S. Teleperformance company has the same structure as the foreign headquarters." Counsel indicates that the petitioner is structured differently because it reports directly to the "International Company," and states that it requires someone who can communicate with the corporate office. Specifically, counsel indicates that it requires someone who "is familiar with the culture and the language."

In addition, counsel asserts that the evidence of record establishes that the call center manager position "requires specialized knowledge because it requires knowledge of the organization's service, techniques, management and software knowledge," that can only be gained "through years of experience with the company in Mexico." Counsel further describes the knowledge as "unique and inherent from the culture and the language that the beneficiary is exposed to when working in the Mexican company," and states that such "intangible skills cannot be transferred to another employee because they are unique of the learning experience of the individual."

III. Analysis

Upon review, the petitioner's assertions are not persuasive in demonstrating that the beneficiary possesses specialized knowledge or that he has been or would be employed in the United States in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

In order to establish eligibility for the L-1B visa classification, the petitioner must show that the individual has been and will be employed in a specialized knowledge capacity. 8 C.F.R. § 214.2(l)(3)(ii). The statutory definition of specialized knowledge at section 214(c)(2)(B) of the Act is comprised of two equal but distinct subparts. First, an individual is considered to be employed in a capacity involving specialized knowledge if that person "has a special knowledge of the company product and its application in international markets." Second, an individual is considered to be serving in a capacity involving specialized knowledge if that person "has an advanced level of knowledge of processes and procedures of the company." *See also* 8 C.F.R. § 214.2(l)(1)(ii)(D). The petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

USCIS cannot make a factual determination regarding the beneficiary's specialized knowledge if the petitioner does not, at a minimum, articulate with specificity the nature of the claimed specialized knowledge, describe how such knowledge is typically gained within the organization, and explain how and when the beneficiary gained such knowledge. Once the petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence which establishes whether or not the beneficiary actually possesses specialized knowledge. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.*

As both "special" and "advanced" are relative terms, determining whether a given beneficiary's knowledge is "special" or "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others in the petitioning company and/or against others holding comparable positions in the industry. The ultimate question is whether the petitioner has met its burden of demonstrating by a preponderance of the evidence that

the beneficiary's knowledge or expertise is special or advanced, and that the beneficiary's position requires such knowledge. Here, the petitioner appears to claim that the beneficiary is qualified based on an advanced knowledge or expertise in the petitioner's processes and procedures.

Turning to the question of whether the petitioner established that the beneficiary possesses specialized knowledge and will be employed in a capacity requiring specialized knowledge, upon review, the petitioner has not demonstrated that this employee possesses knowledge that may be deemed "special" or "advanced" under the statutory definition at section 214(c)(2)(B) of the Act, or that the petitioner will employ the beneficiary in a capacity requiring specialized knowledge.

In examining the specialized knowledge of the beneficiary, the AAO will look to the petitioner's description of the job duties and the weight of the evidence supporting any asserted specialized knowledge. *See* 8 C.F.R. § 214.2(l)(3)(ii). The petitioner must submit a detailed job description of the services to be performed sufficient to establish specialized knowledge. *Id.* Merely asserting that the beneficiary possesses "special" or "advanced" knowledge will not suffice to meet the petitioner's burden of proof.

The AAO concurs with the director's finding that the petitioner has failed to establish that the duties of a call center manager as described in the record require the application of any advanced or specialized knowledge that would not normally be held by an experienced employee in the petitioner's industry. The duties of the position include allocating staffing, overseeing floor managers and supervisors, generating statistical reports, monitoring results, recommending corrective actions, managing workflow, record keeping, and standardizing procedures to improve efficiency. The petitioner's stated competencies for the position are general supervisory, business and management skills applicable to the industry. The petitioner further described the requirements as a bachelor's degree and two years of experience as a call center manager or six years of call center experience, fluency in Spanish and English, and familiarity with the company's service level procedures. Neither the initial description of the beneficiary's current or proposed duties specifies any specialized or advanced knowledge required for the position, or any specific training responsibilities.

The petitioner did generally state that the position holder should be familiar with the company's "internal procedures," although the petitioner did not indicate which duties require the application of such knowledge or provide any information regarding these procedures. In response to the RFE, the petitioner stated that the beneficiary is being transferred to the United States, in part, to train employees on TOPS, COPC, NSIIT and PCI.

Therefore, one question before the AAO is whether the beneficiary's knowledge of and experience with the petitioner's internal procedures constitutes specialized knowledge. The AAO notes that the current statutory and regulatory definitions of "specialized knowledge" do not include a requirement that the beneficiary's knowledge be proprietary. *Cf.* 8 C.F.R. § 214.2(l)(1)(ii)(D) (1988). The petitioner might, however, satisfy the current standard by establishing that the beneficiary's purported specialized knowledge is proprietary, as long as the petitioner demonstrates that the knowledge is either "special" or "advanced." By itself, simply claiming that knowledge is proprietary will not satisfy the statutory standard.

The beneficiary's purported specialized knowledge in this matter is stated to include NSIIT, described as a "unified call center application" developed by the foreign entity, as well as "TOPS," a procedure described as a "company worldwide standard" operations procedure. The AAO notes that the petitioner did not mention NSIIT or TOPS when describing the beneficiary's foreign or proposed U.S. duties, but in response to the RFE, it stated that the beneficiary gained experience in these areas within the foreign entity's quality and operations departments. The petitioner stated that "no United States employee" has knowledge of this system and procedure, and stated that "it is vital that [by 2011] we have the NSIIT system to better manage our business protocol and TOPS to improve our internal company operations."

The AAO notes that there is evidence in the record which undermines the petitioner's claims that its U.S. employees are not trained in NSIIT and TOPS. The petitioner submitted a copy of a Powerpoint sales presentation delivered to its client, [REDACTED], 11 months prior to the filing of the petition. The presentation discusses the petitioner's staffing, services and capabilities. The information provided to the client indicates that the petitioner's Texas-based staff at that time had an average tenure of more than three years, and includes 24 supervisors, 14 quality analysts, 30 supervisory level help desk employees, 9 trainers, 4 assistant call center managers and a call center manager. The presentation to the client provided an overview of the company's TOPS (Teleperformance Operating Processes & Standards) performance management processes which suggests that all supervisors and senior employees follow this process on a daily basis. The petitioner also described the company's "NSIIT Management System," and included redacted sample reports generated from the system. The sales presentation also indicates that the petitioning company maintains a Payment Card Industry (PCI) Certification.

Therefore, notwithstanding the petitioner's statements that the beneficiary's services are needed, in part, to transfer knowledge of NSIIT, PCI and TOPS to the its Texas location, the evidence of record suggests that the U.S. company already has the parent company's systems, processes and certifications in place and has the same inbound/outbound call center performance capabilities as its parent company. In addition, the information in the sales presentation calls into question the petitioner's statement that the call center manager position is "newly created," a claim that was not made at the time of filing, since it describes the staff of the Texas location as including a call center manager and four assistant call center managers almost a year prior to the filing of the petition. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). While the AAO does not doubt that the beneficiary is experienced with both TOPS and NSIIT, and has the knowledge to monitor PCI compliance based on his tenure with the Mexican company, the petitioner has not established that this knowledge is "special" or "advanced" within the petitioner's group of companies.

The only other claimed "special" or "advanced" knowledge attributed to the beneficiary, other than his ability to speak both English and Spanish, and his familiarity with the Mexican company's business culture, is his certification in Customer Operations Performance Center (COPC). The petitioner describes COPC as an "Industry Standard Operation for all call centers." The petitioner has not provided evidence of the beneficiary's certification in this area or evidence in support of its claim that he has the authority to certify

others in this area. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

Again, the petitioner implies that only the Mexican entity's staff has been certified in COPC. However, in light of the discrepancies in the record regarding the U.S. company's current implementation of NSIIT, TOPS and PIC, the AAO is not persuaded that the U.S. company staff lack the COPC certification. Regardless, the petitioner identifies COPC as an "industry standard" and not a process or methodology developed by the petitioning company. It cannot be concluded that training in COPC is limited to employees of the foreign entity, that the beneficiary actually completed significant training or certification in order to obtain this certification, or that a COPC certification can only be gained with the foreign entity.

The AAO does not doubt that the petitioner requires its employees to follow established processes and procedures when providing outsourced call center services for the company's clients. It is reasonable to believe, however, that any company in this field would need to develop internal tools, procedures and best practices for documenting and monitoring performance, human resources needs and other metrics for both internal and external reporting purposes. The petitioner has not sufficiently documented its processes, nor did it specify the amount or type of training its various levels of staff receive in the company's internal tools and procedures. Therefore, it cannot be concluded that such processes are particularly complex or different compared to those utilized by other companies in the industry, or that it would take a significant amount of time to train an experienced call center supervisor or manager who had no prior experience with the petitioner's family of companies.

The petitioner does not articulate or document how specialized knowledge of the company's claimed internal processes, procedures and methodologies is typically gained within the organization, and instead relied on an unsupported and contradictory claim that the U.S. staff simply does not possess certain knowledge that is available to employees of its Mexican parent company. Based on the petitioner's representations, its internal procedures and project methodologies, while effective and valuable to the petitioner, are likely based on standard practices used in the industry that can be readily learned on-the-job by employees who otherwise possess the requisite background in the call center field and the appropriate functional or domain background for the client account(s) to which they will be assigned. For this reason, the petitioner has not established that knowledge of its internal processes and procedures alone constitutes specialized knowledge.

The petitioner contends that another component of the beneficiary's purported specialized knowledge is the breadth and depth of his experience during his tenure with the petitioner's parent company. However, the petitioner has provided inconsistent information regarding the beneficiary's employment history with the company. The petitioner stated on the Form I-129 that the beneficiary joined the foreign entity on December 11, 2005. The beneficiary indicates in his resume that he joined the foreign entity in May 2004. The petitioner stated in its initial letter in support of the petition that the beneficiary joined the foreign entity in December 2005 and in the same letter stated that he has "over 8 years of call center experience in managerial roles." In response to the RFE, the petitioner stated that the beneficiary has an "eight year tenure" with the parent company's operation.

In addition, the petitioner identified the beneficiary's current role as "operations manager" at the time of filing the petition and as "call center manager" in response to the RFE, although these appear to be two different positions within the organization. In contrast, the beneficiary lists "quality manager" as his most recent position in his resume. Again, it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 591-92.

It appears that the beneficiary joined the foreign entity with no experience in the call center field and has been able to progress from the position of agent to the position of operations or quality manager in as little as four years, and that he is highly valued by the company based on his performance. The AAO also acknowledges that he meets the petitioner's stated requirements for the proposed position of call center manager. However, due to the inconsistencies and omissions addressed herein, the evidence as a whole does not allow the AAO to conclude that the beneficiary possesses special knowledge by virtue of his training and experience in progressive positions with the foreign entity, either compared to call center managers working for the petitioner or compared to similarly employed workers in the same industry segment. The petitioner has failed to establish that he possesses knowledge, or that the position requires knowledge, that would be considered "special" or "advanced."

All employees can be said to possess unique skills or experience to some degree. Moreover, any proprietary qualities of the petitioner's process or product do not establish that any knowledge of this process is "specialized." Rather, the petitioner must establish that qualities of the unique process or product require this employee to have knowledge beyond what is common in the industry. This has not been established in this matter. Although the petitioner repeatedly claims that the beneficiary's knowledge is special and advanced, the petitioner failed to provide independent and objective evidence to corroborate such claims. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165.

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. at 376. In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.*

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.