



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: JUN 24 2013

Office: VERMONT SERVICE CENTER

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,

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 extend the beneficiary's status as an L-1B 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 U.S. petitioner, [REDACTED] is a subsidiary of [REDACTED], which filed the petition on its behalf. Both companies are engaged in the provision of computer software and business solutions. The beneficiary was initially granted L-1B status in 2005 and subsequently granted an extension of stay. The petitioner now seeks to employ the beneficiary in the position of Functional Oracle Applications Senior Consultant for a period of two additional years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that she 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 for the petitioner asserts that the director applied an overly restrictive interpretation of "specialized knowledge" and asserts that the evidence of record is sufficient to establish the beneficiary's eligibility.

## 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:

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 computer and business solutions, with nine current employees and gross annual income of \$5.3 million. In a letter submitted in support of the petition, it further described the nature of its business operations as follows:

[The petitioner] offers specialized professional services related to Oracle products, within the line of Oracle business products is the Oracle E-Business Suite comprised of financial and operations applications including the General Ledger and Budget, Fixed Assets, Accounts Payable, Accounts Receivable, Cash Management, Projects' Accounting, Inventory, Purchases and Contracts Administration, Asset Maintenance, Orders and Sales Management modules. The implementation of these solutions requires specialized knowledge of the business as well as Oracle technologies and applications. Within the industry an expert resource is considered to be

a person who besides knowing the applications and having business knowledge, has been a part of at least two complete cycles of implementation in customers of Oracle E-Business Suite. An implementation project requires this knowledge and specialized experience to be able to fulfill the contracted expectations and scope.

The petitioner indicated that it is an Oracle Certified Advantage Partner in the professional services area, and "one of the three business partners authorized by Oracle for the implementation of its E-Business solutions Suite in Central American and Caribbean Region, including Puerto Rico, Colombia, Venezuela and Ecuador."

The petitioner stated that it has employed the beneficiary in [REDACTED] since June 2000, and that she "has acquired a vast experience . . . specifically in the Purchasing, Order Management and Inventory modules of the Oracle E-Business Suite." The petitioner summarizes the beneficiary's experience as follows:

- 10+ years of specific experience and knowledge of Oracle technologies and applications.
- Functional specific experience in the Purchasing, Order Management and Inventory modules of the Oracle E-Business Suite.
- Industry-specific experience in Retail, Distribution and Utilities.
- Experience in projects throughout Latin America including Mexico, El Salvador, Dominican Republic, Nicaragua, Costa Rica, Honduras and Panama.
- Participation in nine (9) complete implementation cycles of Oracle E-Business Suite Applications: [REDACTED]

The petitioner further stated:

This type of knowledge and specific experience together with her studies in Computer Science and Masters in Business Administration, as well as the courses she has taken (Courses on Oracle Financials and on Oracle Applications in the Purchases, Inventory, Accounts Payable and Accounting modules) make [the beneficiary] a very valuable resource for the continuous development of the professional services practice around the Oracle E-Business Suite Applications and most importantly for [the U.S. company] to be able to implement Oracle E-Business Suite in [REDACTED] for which [the U.S. entity] has contractual obligations.

In addition, the petitioner described the beneficiary's specialized knowledge as including the following:

She also has demonstrated advanced business knowledge in [company] logistics, purchasing processes and procedures and inventory management that are implemented in [the petitioning company] and are implemented in [the U.S. subsidiary in Puerto Rico].

Additionally, she knows and has been using the Oracle Applications Implementation Methodology (AIM) in each of the projects in which she has participated for [the petitioner]. Oracle AIM is method that comprises a flexible approach for implementing Oracle Applications that defines a set of organized and flexible process steps that guide a project team through the Application Implementation process.

The petitioner provided a separate attachment describing the duties and requirements of the beneficiary's proposed position. Specifically, the petitioner stated that the beneficiary will be performing the following duties:

- Perform customer's functional support in Oracle EBS modules
- Perform [the petitioner's] pre-sales support in Oracle EBS
- Develop and perform workshop courses in Oracle EBS
- Planning and development conversion plan from Legacy System Data to Oracle EBS
- Prepare reports for project cycle implementation
- Responsible for Business needs analysis and process gap analysis using Oracle AIM Methodology
- Responsible for Oracle EBS modules setup
- Prepare documentation using templates and documents of Oracle AIM Methodology.

The petitioner indicated that the position requires: "at least four to five years experience in at least one of the following Oracle e-Business Suite (EBS) functional areas: Inventory, General Ledger, Accounts Payable, Accounts Receivable, Purchasing, Order Management, Projects and Cash Management"; knowledge of the petitioner's "procedures and project methodologies"; and Oracle certification as Certified Professional or Sales Technical Champion or any other relevant certification.

The petitioner provided the beneficiary's detailed resume, which outlines her more than twelve years of experience in implementing Oracle ERP and CRM applications and solutions in the retail, distribution and public services industries. According to the resume, the beneficiary has been assigned to a project for client [REDACTED] for approximately three years. The petitioner indicates that she will continue to work on this project, as well as for two other clients or potential clients in Puerto Rico, under the extended petition.

The petitioner submitted the beneficiary's Oracle certifications and evidence of her educational credentials in support of the petition.

The director issued a request for additional evidence ("RFE") advising the petitioner that the initial evidence failed to establish that the beneficiary has been and will be employed in a primarily managerial or executive capacity. The director observed that the beneficiary's claimed specialized knowledge appears to center around the Oracle E-Business Suite, a product that is commonly used in the information technology industry.

The director therefore requested that the petitioner submit, *inter alia*, the following evidence: (1) an explanation regarding how the beneficiary's duties performed abroad and those she will perform in the United States are special, advanced or otherwise different from those performed by other workers employed by the petitioner or by other U.S. employers; (2) an explanation of exactly what is the equipment, system, product, technique or service of which the beneficiary has specialized knowledge and whether such knowledge is used or possessed outside of

the petitioner's organization; (3) an explanation regarding the beneficiary's training and how it compares to that of other similarly-employed workers within the petitioner's organization and in the petitioner's field; and (4) a statement from the petitioner's client commenting on the beneficiary's individual contribution to the project(s) to which she is assigned.

In a letter submitted in response to the RFE, counsel for the petitioner stated:

Beneficiary possesses a Bachelor's Degree in Systems Engineering and has over twelve (12) years experience in Information Technology Consulting with multinational employers. She also has been certified in Oracle Projects implementations. These are key elements to the duties and responsibilities to be performed in the company in United States. Therefore her experience and educational background exceeds the minimum required for this position as it is clearly evident from the Beneficiary's trajectory as specified in the letter in support from the company.

The petitioner submitted a letter in which it responded to the director's specific inquiries. The petitioner indicated that its office in Puerto Rico does not have a position similar to the beneficiary's, noting that its "specialties and specialized knowledge are concentrated in our main office in Panama." The petitioner indicates that its business spans the Caribbean and Central American Region, and it transfers its specialists from country to country as necessary for specific projects. The petitioner indicated that it has ongoing projects in Puerto Rico, Curacao, Dominican Republic, Guatemala, Honduras, El Salvador and Panama.

In response to the director's request for information about any special or advanced duties performed by the beneficiary, the petitioner stated:

Oracle products are distributed globally. Specialties within E-Business Suite are clear differentiators as to availability and offerings of specialized knowledge within certain regions. WMS knowledge is not exclusive of [the petitioning company]. What is exclusive of [the petitioning company] and [the beneficiary] is the unique combination of her knowledge within this region. [The beneficiary's] possession of Warehouse Management System (WMS) knowledge stands out for several reasons:

- a. Her exposure to different markets (countries) and projects have provided her with the insight, flexibility, situations, adaptability, creativeness, global perspective and resourcefulness that make her contributions invaluable and sought by our clients throughout the region. Her experience in other markets has given her an in-depth and first-hand appreciation for needs and solutions hardly found in this region.
- b. Her expertise in WMS is complemented by her knowledge in Purchasing, Order Management, Inventory, Accounts Payable and Accounting . . . . No other position exists within [the petitioning organization] with comparable skills and qualifications. Other U.S. employers in the same location may or may not have the combination of skills that [the beneficiary] possesses.
- c. Her bilingual ability in a bilingual and Spanish environment . . . .
- d. [The beneficiary] is the only Oracle Certified WMS Expert in the region. No such person or certification exists in Puerto Rico.

In response to the director's request that the petitioner explain in more detail exactly what is the equipment, system, product, technique or service of which the beneficiary of this petition has specialized knowledge, the petitioner replied that "the Oracle Warehouse Management System (WMS) enables organizations to transform their materials management operations into agile fulfillment centers through optimal use of inventory supply and warehouse resources." The petitioner further stated:

Oracle WMS is used globally. Oracle WMS experts are located regionally to provide regional support. In some instances, as demand requires, the services are globally driven and support will depend on availability of qualified resources. [The beneficiary's] support on the ongoing project with I [redacted] has proven invaluable and vital. [The beneficiary] is responsible for the design of [redacted] future business model including Purchasing, Inventory, Order Management, Shipping and Receiving. All of these processes were configured in Oracle by [the beneficiary]. At this moment, [the beneficiary] is the only Oracle Certified WMS Expert capable of performing such tasks in Puerto Rico and throughout the region. The project will start a critical phase of production where her expert consultancy is needed. . . .

With respect to the beneficiary's training, the petitioner replied that her training is "exclusive of Oracle" and that "only those clients implementing Oracle's products will require [the beneficiary's] specialized training." The petitioner stated that the beneficiary is the only person within the company who is training in Oracle WMS.

The petitioner's response to the RFE included a letter from [redacted] controller for the petitioner's client, [redacted] states that the beneficiary is assigned as "Warehouse Management System (WMS) and Mobile Supply Chain expert implementing E-Business Suite, Warehouse Management module." [redacted] further states:

[The beneficiary's] performance and contribution since 2006 have been exemplary analyzing the business processes of the company covering Supply Management, implementing Warehouse Management System, Order Management and Mobile Supply Chain in our 400,000 square feet Distribution Center with a daily distribution operation of 125 trucks and the unloading of 20 containers per day.

We are currently in the process of initiating the Production phase and [the beneficiary's] presence and contribution is vital for the successful implementation of our project and the Help Desk stands as her key contribution. Furthermore, our local resources working in our Distribution Center are not bilingual, thus her Spanish capability is essential for the success of the project. [The beneficiary] is the only Oracle Certified WMS expert in the region.

Finally, the petitioner re-submitted the beneficiary's resume, educational credentials, and Oracle certifications. The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that the beneficiary has been or will be employed in a capacity involving specialized knowledge. In denying the petition, the director emphasized that the record demonstrates that the beneficiary will be primarily be engaged in work on the petitioner's client's systems and will not be required to use tools, methods or processes that are specific to the petitioning company. The director noted that the petitioner failed to establish that the beneficiary's knowledge is specialized or advanced in relation to others

employed by the petitioning company, or compared to other Oracle applications specialists working in the information technology field. The director emphasized that Oracle experience is common within the petitioner's industry.

On appeal, counsel for the petitioner contends that the director's decision "misapplies and unduly restricts the definitions set forth in section 101(a)(15)(L) of the Immigration [and] Nationality Act with regard to specialized knowledge beyond the parameters specified by the Immigration and Nationality Act, as amended." Counsel emphasizes that the beneficiary is "the only Oracle WMS Certified Expert for the region" and is thus "the only resource available to design and implement the application." Counsel asserts that "a newcomer Senior Consultant would have to receive ... countless hours of instructional courses plus hands-on supervision for quite some time to be able to fully utilize the system to the degree expected at [the petitioning company]."

Counsel emphasizes that the beneficiary's "significant experience with the Oracle implementation, extensive knowledge of the [petitioner's] operations abroad greatly enhances [the petitioner's] competitiveness in the United States market."

### III. Analysis

Upon review, the petitioner's assertions are not persuasive in demonstrating that the beneficiary possesses specialized knowledge or that she 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.

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.

Upon review, the petitioner in this case has failed to establish either that the beneficiary's position in the United States or abroad requires an employee with specialized knowledge or that the beneficiary has specialized knowledge. While the petitioner has provided a detailed description of the beneficiary's current and proposed duties, such duties are typical of an experienced software consultant and rely in large part upon the beneficiary's training, knowledge and experience in Oracle technologies. The petitioner readily acknowledges that Oracle products, including its E-Business Suite and WMS module, are distributed and used globally, well beyond the confines of the petitioning organization, which is designated as an Oracle Certified Advantage Partner. Addressing the beneficiary's specific Oracle applications expertise, the petitioner also concedes that "other U.S. employers may or may not have the combination of skills that [the beneficiary] possesses." Clearly, possession of Oracle skills and certifications alone cannot form the basis of a successful specialized knowledge claim for a professional software consultant. The petitioner has not shown that any of the applications to be implemented, supported or enhanced for its clients will require the application of the petitioner's own technologies, tools or methodologies. The evidence of record does not support a conclusion that the beneficiary will be implementing, developing, maintaining, or supporting systems or software developed by the petitioning company, or that the petitioner provides services that require specialized knowledge.

The petitioner asserts, however, that some aspects of the position require project-specific knowledge that the beneficiary has gained with the petitioning organization, as well as experience with the petitioner's internal procedures and project methodologies, and therefore could not be performed by the typical Oracle-certified professional consultant employed by other software consulting companies. Further, the petitioner claims that the beneficiary is a key employee within the company based upon her unique combination of Oracle experience, as she is "the only Oracle Certified WMS Expert in the region." The AAO will address each of these claims below.

One question before the AAO is whether the beneficiary's knowledge of and experience with the petitioner's internal procedures and project methodologies, by itself, 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). However, the petitioner might 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 "knowledge of [company] procedures and project methodologies" the petitioner developed for the management of client projects. The petitioner's initial letter also referred to the beneficiary's "advanced business knowledge in [company] logistics, purchasing processes and procedures and inventory management." The petitioner provided no further explanation as to what these processes, procedures and methodologies entail, or how the beneficiary uses them in performing her job duties. A careful review of the beneficiary's resume reveals no reference to the petitioner's internal processes or methodologies, and no indication that she completed any internal training since joining the company.

In the RFE, the director instructed the petitioner to provide additional information regarding the nature of the beneficiary's specialized knowledge relative to the petitioning organization. Although the petitioner responded to the RFE, the response did not further elaborate upon or document the beneficiary's knowledge of internal processes, procedures and methodologies. Rather, the petitioner addressed the beneficiary's project experience and expertise in certain Oracle technologies. Overall, the petitioner's claim that the beneficiary's specialized knowledge derives from her knowledge of the company's procedures and project methodologies fails on an evidentiary basis, as the petitioner has neither described nor documented these processes. 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)).

The AAO does not doubt that the petitioner requires its employees to follow established processes and procedures when implementing projects for the company's clients. It is reasonable, however, to believe that all IT consulting firms develop internal tools, methodologies, procedures and best practices for documenting project management, life cycle and other project activities. The petitioner did not describe or document its processes, nor did it specify the amount or type of training its consultants 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 Oracle consultant who had no prior experience with the petitioner's family of companies.

To the contrary, the minimal evidence submitted suggests that the petitioner's employees are not required to undergo any extensive training in the company's tools, processes and methodologies. As noted above, the petitioner has not claimed that the beneficiary underwent any internal training in company procedures or methodologies since joining the organization in 2000. The only documented training completed by the beneficiary was in Oracle technologies, and such training was not completed internally, but rather through the Oracle Partner Network. 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, or explain how and when the beneficiary gained such knowledge.

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 technical background in Oracle technologies and the appropriate functional or domain background for the project 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 her existing project knowledge gained during her assignment as Senior Consultant for the [REDACTED]. Specifically, the petitioner suggests that the beneficiary's involvement in this project over several years is indicative of the beneficiary's knowledge of the petitioner's services and their application in international markets. The petitioner explained that the beneficiary has been responsible for the design of the client's future business model including its Purchasing, Inventory, Order Management, Shipping and Receiving processes, all of which were configured by the beneficiary in Oracle, using her knowledge of Oracle WMS, Mobile Supply Chain and Order Management. On appeal, counsel emphasizes that "no other Senior Consultant specialist in a similar situation could conceivable [*sic*] known the intricacies of the Petitioner's business relating to the utilization of Oracle EBS combined with the day-to-day operations of the business." Counsel further states that "a newcomer Senior Consultant would have to receive upwards countless hours of instruction courses plus hands-on supervision for quite some time to be able to fully utilize the system to the degree expected." The petitioner has not described these "intricacies" that make the petitioner's implementation of Oracle EBS projects so different from implementations carried out by other consulting companies with similar expertise, nor explained what types of "instruction courses" would be required for an experienced Oracle-certified consultant to work on one of its projects.

The beneficiary's familiarity with the client's projects, systems and requirements, while valuable to the petitioner, cannot be considered knowledge specific to the petitioning organization and cannot form the basis of a determination that she possesses specialized knowledge. All software consultants employed within the petitioning organization would reasonably be familiar with the company's internal processes and methodologies for carrying out client projects. Similarly, most employees would also possess project-specific knowledge relative to one or more international clients, which the petitioner would equate to knowledge of the application of the petitioner's methodologies and processes in international markets.

Based on the petitioner's representations, its entire organization is built around the provision of professional services related to the Oracle E-Business Suite. It is reasonable to assume that its consultants have to be trained in these technologies in order for the petitioner to maintain its designation as an Oracle Certified Advantage Partner. The petitioner indicates that it has ongoing projects in Curacao, the Dominican Republic, Guatemala, Honduras and El Salvador, which presumably also require the assignment of senior consultants with the required Oracle certifications to meet the client's specific requirements. Those consultants may each have specific knowledge of the projects to which they have been assigned which is not possessed by other employees within the organization. The AAO cannot equate such knowledge with "specialized knowledge."

All employees can be said to possess unique skills or experience to some degree. Moreover, the internal or company-specific characteristics and 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. The fact that other workers may not have the same level of experience with the petitioner's methodologies as applied to one or more components of a specific client project is not enough to establish the beneficiary as an employee possessing specialized knowledge.

The petitioner states that the beneficiary is one "the only Oracle Certified WMS Expert in the region," in an effort to differentiate the beneficiary's knowledge from that of the remainder of its workforce. We note that the petitioner did not place any emphasis on the beneficiary's experience with WMS at the time of filing the petition, but rather indicated her area of expertise as the Oracle E-Business Suite, which appears to be the broader area of specialization of the petitioning company. It is not clear when or how the beneficiary became certified as a WMS Expert. A review of the beneficiary's resume suggests that she had no prior experience with WMS prior to her assignment to the [REDACTED] in 2005 or 2006. Therefore, it seems likely that the beneficiary obtained the WMS Certification in connection with this specific project. Although she may be the only employee within the petitioning organization who presently has such a certification, the certification itself is conferred by Oracle and can be obtained outside the petitioner's organization. The petitioner acknowledges that Oracle WMS is used globally, notwithstanding the petitioner's limited experience in implementing this application.

As noted above, the petitioner's attempts to distinguish the beneficiary's knowledge as advanced relative to a specific client project are unpersuasive, as are the petitioner's attempts to characterize an Oracle certification as "specialized knowledge" specific to the petitioning organization. Again, all of the foreign entity's technical employees would reasonably have project-specific knowledge in addition to knowledge of the company's internal tools and processes for implementing projects, and knowledge of the Oracle products which they are assigned to implement for the company's customers. All employees can be said to possess unique or individualized skill sets to some degree; however, a skill set that can be easily imparted to another similarly educated and similarly experienced Oracle consultant is not "specialized knowledge."

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.*

For the reasons discussed above, the evidence submitted fails to establish by a preponderance of the evidence that the beneficiary possesses specialized knowledge and will be employed in a specialized knowledge capacity with the petitioner in the United States. *See* Section 214(c)(2)(B) of the Act. Accordingly, the appeal will be dismissed.

The AAO acknowledges that USCIS previously approved two L-1B petitions filed by the petitioner on behalf of the instant beneficiary. The prior approvals do not preclude USCIS from denying an extension of the original visa based on reassessment of the petitioner's or beneficiary's qualifications. *Texas A&M Univ. v. Upchurch*, 99 Fed. Appx. 556, 2004 WL 1240482 (5th Cir. 2004). The mere fact that USCIS, by mistake or

oversight, approved a visa petition on one occasion does not create an automatic entitlement to the approval of a subsequent petition for renewal of that visa. *Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 148 (1st Cir 2007); *see also Matter of Church Scientology Int'l.*, 19 I&N Dec. 593, 597 (Comm'r. 1988). For example, if USCIS determines that there was material error, changed circumstances, or new material information that adversely impacts eligibility, USCIS may question the prior approval and decline to give the decision any deference.

Each nonimmigrant petition filing is a separate proceeding with a separate record of proceeding and a separate burden of proof. In making a determination of statutory eligibility, USCIS is limited to the information contained in that individual record of proceeding. *See* 8 C.F.R. § 103.2(b)(16)(ii).

In the present matter, the director reviewed the record of proceeding and concluded that the petitioner was ineligible for an extension of the nonimmigrant visa petition's validity based on the petitioner's failure to establish that the beneficiary possesses specialized knowledge or that she has been or would be employed in a position requiring specialized knowledge. If the previous petitions were approved based on the same unsupported claims and minimal evidence of the beneficiary's eligibility as contained in the current record, the approvals would constitute gross error on the part of the director. Despite any number of previously approved petitions, USCIS does not have any authority to confer an immigration benefit when the petitioner fails to meet its burden of proof in a subsequent petition. *See* section 291 of the Act. The AAO finds that the director was justified in departing from the prior approval and denying the instant request for an extension of the beneficiary's status.

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.