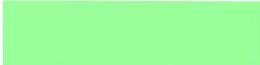




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUN 25 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, recommended denial of the nonimmigrant visa petition and certified his decision to the Administrative Appeals Office ("AAO") for review pursuant to the regulation at 8 C.F.R. § 103.4(a)(5). The AAO will affirm the director's decision and deny the petition.

The petitioner filed this nonimmigrant visa petition seeking to employ the beneficiary 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 petitioner, a Maryland corporation, is engaged in software development and consulting services. The petitioner states that it is an affiliate of [REDACTED] located in India. The petitioner seeks to employ the beneficiary in the position of Project Leader for a period of three years.

The director recommended denial of 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 director advised the petitioner that the decision was being certified to the AAO for review and issuance of a final decision, and that the petitioner had 30 days to submit a brief or other written statement to the AAO for consideration. The petitioner did not submit a brief during the 30-day period allowed, and the record will be considered complete.

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.

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 address is whether the petitioner has established that the beneficiary possesses specialized knowledge and that he has been and would be employed in a specialized knowledge capacity. 8 C.F.R. § 214.2(l)(3)(ii) and (iv).

The petitioner is a software consulting company with 160 employees and revenues of over \$26.5 million at the time the petition was filed. The petitioner indicates that it provides computer programming, computer processing, data processing, information retrieval and other computer-related services, as well as prepackaged software. In a letter submitted in support of the petition, it explained that it requires the beneficiary's temporary services in the United States in the position of Project Leader for the [REDACTED] for the petitioner's customer, [REDACTED]. Specifically, the petitioner indicated that the beneficiary has been and would be working with the [REDACTED], described as "the industry-leading system for capturing, managing and reporting clinical research data, designed to help companies in life science domain." The petitioner noted that the end users of the product include biotechnology firms, pharmaceutical, clinical research and medical device corporations, as well as contract research organizations. The petitioner further described the product as follows:

[REDACTED] is a software product that provides electronic data capture and clinical data management. The software allows for data to be entered at clinical research sites such as doctor's offices, clinics, and hospitals via the Internet, using a computer with a web browser and access to the world wide web. The web browser communicates with a central [REDACTED] server or servers via the hypertext transport protocol (HTTP) and secure-HTTP (HTTPS). Once

data has been entered into the database, other functions that are commonly conducted upon clinical data may be performed using the product.

The petitioner stated that the beneficiary joined the petitioner's Indian affiliate two years prior to the filing of the petition, and since that time has been working on the [REDACTED]. The petitioner described the beneficiary's current duties as follows:

[The beneficiary's] main duties are to forecast / estimate future requirements and duration of the project; to develop the team in terms of Technical, Domain knowledge as well as guiding Team Leads in managing the team; to support enhancement through training, and knowledge management; to perform Resource Planning, Create/Review of Resource Effort Utilization Report; implementing Functionality and Regression testing at various phases of the test cycles; reviewing the Test Cases documents, Test Summary Results and phases of the test cycles; reviewing the Test Cases documents, Test Summary Results and QC documentation; testing of the products and deployment processes and related activities; to enhance, optimize and continuously improve existing Quality Control Processes, and adherence; and to create and send Project Status Reports and Metrics to the management.

The beneficiary manages teams through multiple concurrent projects, and he acts as a point of contact between Development and Testers for iterations. [The beneficiary] also has the responsibility of continuous monitoring and mentoring the testing team members and ensuring efficient deliverables. Further, he participates in senior management meetings, reporting and performance management.

The petitioner stated that, as a result of his experience with the [REDACTED] project, the beneficiary has attained "knowledge in electronic clinical data management (eCDM) product to include CDMS and Electronic Data Capture (EDC) capabilities within a single technology platform" and gained "specialized knowledge in the [REDACTED] product, as he has full understanding of the functionality of [REDACTED] product, including flexible tools, customized reports and workflow." The petitioner further stated:

[The beneficiary] has knowledge of the various enhancements of each [REDACTED] version. He has worked on different [REDACTED] version with different client specific features and implementations of electronic data capture system for the management of various [REDACTED]

[REDACTED] This work experience with [REDACTED] application is necessary for [the beneficiary] to perform his duties with our company in the United States. . . .

Having gained specialized knowledge of the [REDACTED] product, [the beneficiary] has the required expertise to help and support our client [REDACTED] by customizing and providing support to their various clients in the United States and across the globe. [The beneficiary] will be able to assist [REDACTED] clients in the use of the [REDACTED] product, as he has knowledge and experience of the different [REDACTED] versions.

[The beneficiary's] duties in the United States will include project coordination by directly interacting with the client team and fully participate in tactical and strategic decision making and

planning; to interact and act as primary point of contact to the Client Project Managers/Analysts for all the testing and deployment processes and activities, and to take care of issues requiring immediate resolutions and quick turnarounds; review and implementation of Project Plan; to check/review the test case documents, test summary reports, and QC documentation; to ensure complete customer focus in deliveries including managing requirements, reviews, obtaining acceptance plans and feedbacks; and to set direction and strategies on quality and operational guidelines, procedures, and standards to ensure appropriate consistency and quality.

The petitioner indicated that the beneficiary would be placed in charge of the project in the United States, with responsibility for mentoring and guiding project teams, monitoring the project, and participating in technical and process reviews with the client. The petitioner emphasized once again that the project requires the beneficiary's "strong understanding of the requirements of [REDACTED] clients and the preferences they have with the various [REDACTED] products," which will allow him to "customize and support the product for its various clients in the United States and across [the] globe." The petitioner indicated that it would require at least a year to train another employee to perform the beneficiary's duties.

The director issued a request for additional evidence ("RFE") in which he instructed the petitioner to submit: (1) the dates of employment and job duties for all positions the beneficiary has held within the foreign entity; (2) a record from the petitioner's human resources department detailing the manner in which the beneficiary attained his specialized knowledge, including evidence of all training completed, and a description of the training courses; (3) a statement discussing the amount of time required to train a skilled worker to perform the duties of the proffered position and the number of similarly-employed and similarly-trained workers within the company; (4) a comprehensive description of the beneficiary's day-to-day duties; (5) documentation evidencing the tools, methods and procedures the beneficiary utilizes to carry out his duties; (6) organizational charts for the U.S. and foreign entities which depict the structure of the project to which the beneficiary has been and will be assigned; (7) a copy of the contract between the petitioner and the client, [REDACTED] and (8) an explanation regarding the nature and scope of the interaction the beneficiary will have with the client's employees.

In response to the RFE, the petitioner noted that the beneficiary has acquired "vast product knowledge and experience" with [REDACTED] and has undergone training during which he became familiar with various versions of the product, complex features, and enhancements for different versions and implementations. The petitioner further explained that the beneficiary understands "how the clinical data management system and Electronic Data Capture (EDC) capabilities have been implemented in [REDACTED]. The petitioner emphasized that "other workers will not have knowledge of [REDACTED] product, experience and understanding of various client specific features . . . and hence other workers cannot perform the duties of the proffered position."

Specifically, the petitioner indicated that the beneficiary has completed 168 hours of training in [REDACTED] products and electronic Clinical Data Management, as well as 52 weeks of hands-on working experience in these areas. The petitioner further noted that the beneficiary enhanced his skills by visiting the client's New York facility, where he underwent additional training over a three-month period, and had the opportunity to observe the client project processes and [REDACTED] implementations. The petitioner stated that no other worker in the U.S. company has acquired the expertise possessed by the beneficiary, and he is thus the only person suitable to manage the project. The petitioner indicated that it would be "impossible" to find a new employee in possession of the necessary skills and knowledge, and that training someone else would require "months of training."

In response to the director's request for a comprehensive description of the beneficiary's duties, the petitioner stated that the beneficiary has the required expertise to support [REDACTED] by "customizing and providing support to their various clients in the United States and across the globe." Specifically, the petitioner described his duties as the following:

He will work as a primary point of contact to the Client Project Managers/Analysts for all the testing and deployment processes and activities. He possesses specialized knowledge of the product, process and procedure. [The beneficiary] has knowledge of the various enhancements of each [REDACTED] version. He worked on different [REDACTED] versions 5.2.4/5.4.3/5.4.4/5.5.0/5.5.1/5.5.2/5.60/5.6.1/5.6.2 and implementations of electronic data capture system for the management of various Clinical Studies. . . . This will enable [the beneficiary] to assist [REDACTED] clients in the use of the [REDACTED] product, as he has knowledge and experience of the different [REDACTED] versions.

The petitioner provided hourly breakdowns of the beneficiary's current and proposed duties as Project Leader, noting that the beneficiary "has been working intensively on [REDACTED] Quality Control project by supporting the Quality Control activities for [REDACTED] Product." The petitioner stated that the beneficiary's specific duties include:

1. Forecasting and estimating the project future requirements, duration by analyzing the specifications for the [REDACTED] enhancements and understand the scope of work defined in the work order from [REDACTED] tool in order to perform resource planning and preparation of Test Plan and Setup (12 hours)
2. Creating/reviewing the Resource Effort Utilization Reports by accessing the data in QuickArrow tool. Creating Project Status Reports, Metrics, Productivity Reports for performance management, using Status Tracker tool (6 hours)
3. Reviewing and checking-in the Test Case documents, Test Summary Results and QC Documentation for each study requirement in Docushare (Document Management System tool) (8 hours)
4. Project coordination with Quality Control manager for the requirements; and managing teams through multiple concurrent tasks by continuous monitoring and mentoring the testing team members and ensuring efficient deliverables (8 hours)
5. Knowledge transfer of requirements to the testing teams to support the enhancement through training in order to develop the team in terms of technical and domain knowledge. (2.5 hours)
6. Management of issues identified in [REDACTED] estimating the severity of the bug, prioritizing the issues, estimating the defect ratios and generating reports using the [REDACTED] tool. (1 hour)
7. Participation in project management meetings and client checkpoint meetings (2.5 hours)

The petitioner provided descriptions of the tools used by the beneficiary as follows:

[REDACTED] – A web-based work order tracking system provided by the client [REDACTED] . . .

QC Work Orders Summary Forecast.xls – This spread sheet has the details about the future studies to be developed, tested and implemented in [REDACTED] as per the functional requirements. This

tool is used to estimate the future work requirements based on the size of the module(s), complexity of the eCRF's, Custom Functions, Edit Checks of the study.

is the defect tracking tool being accessed by the Development Team, Testing team, Analyst Group. . . .

A web-based application for Time, Expense and Billing Management. Time utilized by [the beneficiary] has been entered in this tool and submitted to client every week.

): It is the online document management system to check-in/check-out the project documents such as QC Test Packages including Test Case Documents, Test Results Documentation, Test Summary Reports, Note-to-Files, etc. [The beneficiary] will review the Test Summary Reports for each work order and checks in to the Docushare.

This is the in-house tool to track the status of each task. [The beneficiary] will utilize this tool to monitor the testing statuses of multiple concurrent projects, work order inventory, getting the inputs for resource utilization and preparation for Metrics and Productivity Reports.

The petitioner's response also included the beneficiary's detailed training records with an explanation from the foreign entity. The petitioner submitted a chart providing the names, dates and hours of training the beneficiary completed during his two-year tenure with the foreign entity. The petitioner listed 28 courses and stated that "the trainings from #7 to 21 are pertained to product and electronic Clinical Data management System, and all these trainings are complex and advanced; and will be only given to the person who has acquired thorough knowledge of the product." The petitioner further stated that the beneficiary attended seminars and training on the product, electronic data capture, and clinical data management system at New York facility in November 2007, where he acquired knowledge of best quality control practices for the product.

The petitioner concluded that the beneficiary, "with the overall 168 hours of trainings and 52 weeks of hands-on working experience on product and electronic Clinical Data Management . . . has attained the specialized knowledge and reached the level of expertise to perform the duties of proffered position." The petitioner stated that "no other worker in [the petitioning company] or in [the] industry has the expertise acquired by the beneficiary."

Based on a review of the records submitted, it appears that all training the beneficiary has received was required and/or provided by the client, and focused on projects, standard operating procedures and quality control processes. The petitioner indicated that the beneficiary completed a total of 198 hours of training over two years. The petitioner noted that the beneficiary had completed a total of 168 hours of training as of August 2007, and that this is the minimum amount of time required to train a skilled worker to perform the job.

The petitioner also submitted a copy of the beneficiary's resume. The beneficiary indicates that he has worked "on different product versions with different client specific features and implementations" for the QC project since joining the foreign entity, initially as a senior software engineer, as a test lead, and, for the six

months preceding the filing of the petition, as a project lead. The beneficiary indicates that the project environment includes Windows XP, SQL Server 2000, Net, IIS Manual Testing, VSS Visual Source Offsite (Configuration Management Tool) and [REDACTED]. Prior to joining the petitioner's foreign affiliate, the beneficiary had approximately four years of professional experience as a software engineer and software test engineer.

Finally, the petitioner submitted a copy of the foreign entity's organizational chart, which depicts the beneficiary as the "Project Lead – [REDACTED] QC," responsible for a ten-person quality control team. The chart shows three other [REDACTED] project leads with their own project teams.

The director recommended denial of the petition and certified his decision to the AAO. The director concluded 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. In denying the petition, the director emphasized that the knowledge and experience the beneficiary gained through his two years of employment with the foreign entity and his training courses relates to the proprietary tools and products owned and developed by the client, [REDACTED], and not to the petitioner's organization. The director found no evidence that the beneficiary possesses specialized knowledge specific to the petitioning company or that such knowledge would be required to perform the duties of the proffered position in the United States. The director acknowledged the petitioner's claim that a new skilled worker would need to undergo basic and advanced training over a period of months to acquire the necessary knowledge regarding the [REDACTED] project. However, the director noted that the beneficiary's training record fails to establish that his training was particularly lengthy or advanced.

III. Analysis

Upon review, the petitioner has not established 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.

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. Merely asserting that the beneficiary possesses "special" or "advanced" knowledge, or that the position requires such knowledge, will not suffice to meet the petitioner's burden of proof.

The petitioner has provided detailed descriptions of the beneficiary's past and present duties, but the descriptions do not mention the application of any special or advanced body of knowledge specific to the petitioning organization which would distinguish the beneficiary's role from that of other similarly-experienced project leads employed in the information technology consulting field at large. The plain language of the statutory and regulatory definitions requires the beneficiary to possess special knowledge of the petitioner's product or an advanced level of knowledge of the petitioning organization's processes and procedures. The petitioner has not claimed that the beneficiary possesses such knowledge. Specifically, the petitioner does not claim that the beneficiary's specialized knowledge derives from any company-specific methods or procedures for software or systems development, testing or project management, nor does the petitioner claim that the beneficiary has acquired special knowledge of any company product or services. The petitioner has offered little more than conclusory assertions in support of its claim that the beneficiary possesses specialized knowledge. Going on record without 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)). Specifics are clearly an important indication of whether a beneficiary's duties involve specialized knowledge; otherwise, meeting the definitions would simply be a matter of reiterating the regulations. *See Fedin Bros. Co., Ltd. v. Sava*, 724, F. Supp. 1103 (E.D.N.Y. 1989), *aff'd*, 905, F.2d 41 (2d. Cir. 1990).

The record shows that the beneficiary has received training in [REDACTED] processes, products and procedures during his tenure with the foreign entity, and that he has two years of progressive experience working with the [REDACTED] product line in a software testing and quality control capacity. Such knowledge cannot, however, be considered specific to the petitioning company, and knowledge of such products or systems cannot be considered "specialized knowledge" of the petitioner's products. Nor does the petitioner seek to employ the

beneficiary in a specialized knowledge capacity in the United States. Rather, the petitioner indicates that it requires the beneficiary's familiarity with "the requirements of [REDACTED] clients and the preferences they have with the [REDACTED] products," which will allow him "to customize and support the product" for such clients. The beneficiary's familiarity with [REDACTED] projects, products, or procedures, while valuable to the petitioner, cannot form the basis of a determination that he possesses specialized knowledge of the petitioner's products or advanced knowledge of the petitioner's processes and procedures.

As noted by the director, while the beneficiary has received formal training during his tenure with the foreign entity, most or all of the training appears to have been provided by the client, [REDACTED] and the subject matter of the training was the client's products and procedures. As noted by the director, although the petitioner indicates that the training completed was advanced and only available to those who have worked with different versions of the [REDACTED] product, the petitioner also states that the minimum amount of time required to train a skilled worker for the position is only 168 hours, or 21 work days. While the petitioner indicates that the beneficiary completed some on-site training at the client site that was not provided to other members of the Indian affiliate's project team, such training was solely related to the client's products and processes, and did not result in attainment of specialized knowledge of the petitioning company's product, processes or procedures. The fact that other workers outside of the petitioning organization may not have very specific knowledge regarding the petitioner's enterprise or client projects is not relevant to these proceedings if this knowledge gap could be closed by the petitioner by simply providing the information to a newly hired, generally experienced and educated worker through a short training period.

The record indicates that the beneficiary's knowledge and experience relate to the quality control and testing of different versions of a product developed by a client. In order to meet the plain language of the statutory definition of "specialized knowledge," the petitioner must establish that some qualities of its own products, processes, or procedures require this employee to have knowledge beyond what is common in the industry. This has not been established in this matter as all of the beneficiary's claimed specialized knowledge relates to the petitioner's client.

The AAO does not dispute that the beneficiary is a skilled and experienced employee who has been, and would be, an asset to the petitioner. There is no indication, however, that the beneficiary has any knowledge that exceeds that of any experienced project leader specializing in software quality control and testing matters, or that he has received special training in the petitioning company's products, methodologies or processes which would separate him from any other worker employed within the industry at-large.

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 petition will be denied.

IV. Conclusion

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 AAO will affirm the director's determination and deny the petition.

ORDER: The petition is denied.