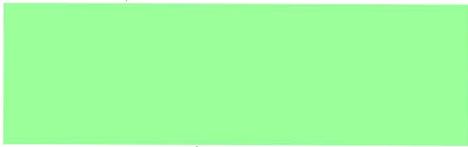


(b)(6)



U.S. Citizenship
and Immigration
Services



DATE: **MAR 25 2013** Office: CALIFORNIA SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to 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, California Service Center, ("the director") denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The petition will remain denied.

The petitioner filed this nonimmigrant petition seeking to classify the beneficiary as an L-1B nonimmigrant intracompany transferee 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 was incorporated under the laws of the State of California on February 23, 2010. It provides consultation on Chinese law. It claims to be wholly owned by [REDACTED] a Chinese law firm. The petitioner seeks to employ the beneficiary in the United States as foreign legal counsel for an initial period of three years.

The director denied the petition, concluding that the petitioner failed to establish: (1) a qualifying relationship with the foreign firm; (2) that the beneficiary possesses specialized knowledge; and (3) that the beneficiary has been and would be employed in a capacity that requires 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. On appeal, counsel asserts that the director's basis for denial of the petition was erroneous and contends that the evidence of record is sufficient to satisfy the petitioner's burden of proof in that the evidence establishes the beneficiary's eligibility for the requested classification.

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 parent, subsidiary, or affiliate of the foreign employer.

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.*

The regulation at 8 C.F.R. § 214.2(l)(1)(ii)(G) defines the term "qualifying organization" as a United States or foreign firm, corporation, or other legal entity which:

- (1) Meets exactly one of the qualifying relationships specified in the definitions of a parent, branch, affiliate or subsidiary specified in paragraph (l)(1)(ii) of this section;
- (2) Is or will be doing business (engaging in international trade is not required) as an employer in the United States and in at least one other country directly or through a

parent, branch, affiliate, or subsidiary for the duration of the alien's stay in the United States as an intracompany transferee; and

(3) Otherwise meets the requirements of section 101(a)(15)(L) of the Act.

The regulation at 8 C.F.R. § 214.2(l)(1)(ii) provides in pertinent part:

(I) "Parent" means a firm, corporation, or other legal entity which has subsidiaries.

* * *

(K) "Subsidiary" means a firm, corporation, or other legal entity of which a parent owns, directly or indirectly, more than half of the entity and controls the entity; or owns, directly or indirectly, half of the entity and controls the entity; or owns, directly or indirectly, 50 percent of a 50-50 joint venture and has equal control and veto power over the entity; or owns, directly or indirectly, less than half of the entity, but in fact controls the entity.

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 Issues on Appeal

A. Qualifying Relationship

The first issue to be discussed is whether the petitioner established a qualifying relationship with the foreign entity that employed the beneficiary for one continuous year within the three years preceding the beneficiary's application for admission into the United States. Upon review, the AAO concurs with the director's decision to deny the petition on this issue.

On the Form I-129 (Petition for Nonimmigrant Worker) Supplement L, the petitioner noted that it is 100% owned by [REDACTED] (foreign entity). In a letter appended to the petition, the petitioner stated that its parent company was established in 1993 and is China's largest law firm with over 800 attorneys worldwide. The petitioner indicated it was incorporated in February 2010 under the laws of the State of California.

The initial record included the petitioner's Articles of Incorporation, by-laws, a March 16, 2010 corporate resolution, and stock certificate and ledger. The Articles of Incorporation were signed February 16, 2010 and filed with the California Secretary of State on February 23, 2010. In Article 4.1, the corporation is authorized to issue 1,000,000 shares of common stock with no par value. The by-laws of the corporation were signed March 13, 2010 and in Article VIII, Section 4 state: "A certificate or certificates for shares of the capital stock of the corporation shall be issued to each shareholder when any of the shares are fully paid." On March 16, 2010, the petitioner's board of directors resolved that it would issue 1,000,000 shares to the foreign entity for a total price of \$100,000. The stock certificate issued (Stock Certificate No. 1) is dated March 16, 2010 and transfers one million shares to the foreign entity. The stock transfer ledger shows that stock certificate no. 1 was an original share and that \$100k was "paid thereon."

The record further included minutes of the foreign entity's management meeting held in February 2010 wherein the foreign entity resolved to set up a subsidiary in San Jose, California and a May 5, 2010 memorandum indicating that the foreign entity as the sole shareholder of the petitioner had committed to purchasing 1,000,000 shares of the petitioner for \$100,000. The memorandum listed an installment payment schedule noting the first installment of \$30,000 would be paid by April 30, 2010, the second installment of \$30,000 would be paid by May 31, 2010, the third installment of \$30,000 would be paid by June 30, 2010, and the fourth installment of \$10,000 would be paid by July 31, 2010.

Upon review of the initial record, the director issued a request for further evidence (RFE) specifically requesting evidence that the foreign entity had in fact paid for its shares in the U.S. entity.

In response, the petitioner provided copies of wire transfer receipts from the foreign entity to the petitioner's bank account dated: April 22, 2010 in the amount of \$30,000; May 28, 2010 in the amount of \$30,000; June 17, 2010 in the amount of \$30,000; and June 28, 2010 in the amount of \$10,000.

Upon review of the petitioner's response, the director determined that the record did not include documentary evidence that when the stock certificate was issued to the foreign entity on March 16, 2010 that the petitioner had received any monies from the foreign entity. The director concluded that the petitioner had not established a qualifying relationship with the foreign entity.

On appeal, counsel for the petitioner references the payments the foreign entity made after the stock certificate had been issued and asserts that as the foreign entity has paid for the stock, a qualifying relationship exists. Counsel contends that there is no requirement that the funds for the purchase of the stock must be transferred at the beginning of the U.S. company's setup and/or completed in one transaction. Counsel references several unpublished AAO decisions in support of his assertion.

The petitioner has not established that a qualifying relationship exists between the petitioner and the foreign entity when the petition was filed. Counsel's reference to unpublished decisions is not persuasive. Counsel has furnished no evidence to establish that the facts of the instant petition are analogous to those in the unpublished decisions. Moreover, while 8 C.F.R. § 103.3(c) provides that AAO precedent decisions are binding on all United States Citizenship and Immigration Services' (USCIS) employees in the administration of the Act, unpublished decisions are not similarly binding.

Counsel also references the Act and immigration regulations as the bodies of law that do not require the petitioner to fund the purchase of stock when the stock is transferred and do not require that the monies transferred be made in one installment. However, it is the petitioner's own by-laws that set forth the fundamental requirement that the "certificate or certificates for shares of the capital stock of the corporation shall be issued when any of the shares are fully paid." Thus, the by-laws appear to identify the time period when the stock certificate shall be issued, indicating that the stock certificate shall be issued after the petitioner receives full payment for the shares. In this matter, the stock certificate to the foreign entity was issued March 16, 2010 prior to any payment for the stock and prior to the foreign entity's May 5, 2010 acknowledgement and commitment to fund the petitioner.

Contrary to the fact that no monies had been paid, the petitioner's stock ledger indicated that \$100K had been paid for the share issued. It is the inconsistency of the information in the record that undermines the petitioner's claim that a qualifying relationship between the petitioner and foreign entity existed when the petition was filed on June 1, 2010. 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). In this matter, the petitioner has not attempted to explain why it issued a stock certificate to the foreign entity when it had not received any funding or any commitment of funding, apparently contrary to its own by-laws. 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). Moreover, the petitioner must establish eligibility at the time of filing the nonimmigrant visa petition. A visa petition may not be approved at a future date after the petitioner

or beneficiary becomes eligible under a new set of facts. *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248 (Reg. Comm'r 1978).

On review, the evidence submitted raises questions regarding the nature of the purported qualifying relationship. The petitioner has not provided consistent probative evidence establishing that a qualifying relationship existed between the foreign company and the United States entity when the petition was filed.

B. Specialized Knowledge

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

The petitioner is a California corporation established in 2010 which provides consulting services relating to Chinese laws. It employs six personnel and earned \$500,000 in gross annual income when the petition was filed. The petitioner stated the beneficiary will be working as foreign law counsel and described the beneficiary's duties with the foreign entity. The petitioner also described the beneficiary's proposed responsibilities as:

- Advise on China laws regarding public and private equity and debt offerings, lending transactions, mergers and acquisitions, joint ventures, takeovers, corporate finance, securities law matters, corporate restructuring, and other general corporate work – 30 percent of the time.
- Handle cross border mergers and acquisitions, advise on customs matters, international financial and investment transactions and export/import law compliance – 25 percent of the time.
- Negotiate and draft international investment agreements, commercial agreements and instruments relating to international transactions – 25 percent of the time.
- Work closely with legal counsel, international corporations, banking and financial institutions worldwide – 20 percent of the time.

The petitioner added that the beneficiary would be in charge of several ongoing projects including representing a Chinese medicine manufacturer, a China-based pork processing company, a Chinese dairy company, a Chinese provincial state-owned film producer, and a United States 3D technology company. The petitioner also included a statement outlining the beneficiary's understanding of the proffered position in which the beneficiary indicated that he would be involved in marketing and liaison, providing substantive legal services, and catching up with new issues faced by international law societies.

The petitioner noted that the beneficiary is an experienced Chinese attorney specializing in capital markets, corporate matters, mergers and acquisitions, international investment, and cross-border transactions. The petitioner indicated that the beneficiary holds two bachelor's degrees, one in power engineering and one in intellectual property law, and also holds a master's of law from [REDACTED] and a master's of law in corporate law from the [REDACTED]

The petitioner added that the beneficiary was admitted as a Chinese

lawyer in 1995, joined the claimed parent company in October 1997, and became a partner of the foreign law firm in 2001.

As observed above, upon review of the initial record, the director issued a request for evidence (RFE). The director requested that the petitioner provide, *inter alia*, evidence that the beneficiary has specialized knowledge and evidence that the proposed position in the United States constituted a specialized knowledge position.

In response to the RFE, the petitioner noted that the beneficiary's background in science assisted him with transactions involving various industries, including energy, mining, automotives, steel manufacturing, mechanical manufacturing and textiles. The petitioner stated that it is easy to find a person holding a bachelor's of law degree in the foreign company but much harder to find a person who has received formal training in both science and law and was educated in both top domestic and foreign law schools. The petitioner contended that the beneficiary's legal education in the United States made him more qualified than others for a position in the United States subsidiary as he would "adapt to [the] U.S. legal system quickly and have a good understanding about American law and practice, accordingly, his job duties in the U.S. subsidiary will be carried out much [*sic*] smoothly."

The petitioner emphasized the beneficiary's 15 years of experience in corporate and securities law, including securities, mergers and acquisitions, foreign investment, corporate finance, and project finance transactions. The petitioner also listed clients the beneficiary represented and his areas of practice, and included a list of duties generally performed by attorneys in the practice areas. The petitioner asserted the beneficiary's 15 years of experience and advanced training in the common law legal system is knowledge that is "narrowly understood by a few people within not only the foreign parent company, but also the whole country."

The petitioner changed the beneficiary's proposed duties in the United States to include only the previously submitted statement from the beneficiary outlining his understanding of the proposed duties. The petitioner, in response to the RFE indicated that the beneficiary would spend 50 percent of his time on marketing and liaison duties, 40 percent of his time providing substantive legal services, and 10 percent of his time catching up with new issues faced by international law societies. The petitioner also repeated that the beneficiary would be responsible for advising, assisting, and representing clients on several ongoing projects.

The director ultimately denied the petition, concluding that the petitioner failed to establish that the beneficiary would be employed in a specialized knowledge position or that the beneficiary possesses specialized knowledge. In denying the petition, the director acknowledged the beneficiary's experience in Chinese corporate law but found that the skills described were not so unusual to warrant a conclusion that others in the practice of law and legal consulting did not possess similar skills. The director determined that the petitioner had not established that the beneficiary's duties involved knowledge or expertise beyond what is commonly held in his field. The director also found that the petitioner had not demonstrated that the beneficiary's knowledge constituted an advanced level of knowledge of the processes and procedures of the petitioner in that the petitioner had not established that its processes and procedures were substantially different from other Chinese consulting providers.

On appeal, counsel notes that the beneficiary is a Chinese lawyer who provides legal services to domestic and foreign clients and that a "lawyer is a professional expert of law." Counsel contends that there is no available China law consultant in the U.S. market who can replace the beneficiary. Counsel then repeats the information provided in response to the director's RFE.

Upon review of this issue, the petitioner's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge or that he 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, the petitioner must show that the individual 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 or prongs. 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. All employees can be said to possess unique skill or experience to some degree; 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 and knowledge that is not commonplace within the company itself.

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. The decision of the director will be affirmed as it relates to this issue and the appeal will be dismissed.

In the present matter, neither counsel nor the petitioner clearly state whether the petitioner's claim is based on either the first or second prong of the statutory definition. The petitioner asserts generally that the beneficiary has special knowledge of corporate law and its application in international markets and that the beneficiary's knowledge within the foreign entity is advanced. Counsel, on appeal, appears to suggest that because the beneficiary is a professional lawyer he necessarily possesses specialized knowledge. However, at issue is not whether the beneficiary holds a professional position but whether he beneficiary possesses special knowledge that is pertinent to the company's services in the international market or possesses advanced knowledge of the company's processes and procedures. Upon review of the record, as will be discussed below, the record does not establish satisfy either prong of the definition.

In examining the beneficiary's claimed specialized knowledge, 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.*

The petitioner's initial description of the beneficiary's current and proposed job duties was vague and could have described the duties of many corporate attorneys versed in international securities and mergers and acquisitions. Although counsel asserts on appeal that there is no available China law consultant in the U.S. market who can replace the beneficiary, counsel does not provide documentary evidence in support of the assertion or articulate what distinguishes the beneficiary's knowledge possessed by others versed in Chinese corporate law. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

The petitioner has provided a broad overview of the beneficiary's education and work experience. Although the petitioner notes the beneficiary's formal training in both science and law and his education in both Chinese and United States law schools, the petitioner does not articulate how this training translates into his ability to perform specific duties that could not be performed by other individuals in the foreign entity's law firm or other attorneys who are trained and experienced in international law. The petitioner, other than referencing that the beneficiary's science background is helpful in the beneficiary's understanding of clients in certain industries, does not further describe or articulate how the beneficiary uses his academic background in the performance of his job duties. The petitioner does not provide examples of specific duties performed by the beneficiary that demonstrate that his knowledge is specialized within the industry or advanced within the petitioner's organization. The petitioner's indication that the beneficiary is a partner and the co-head of his department does not substantiate that he possesses specialized knowledge. The petitioner has not established that the petitioner's placement in the foreign entity is significantly different in terms of complex or advanced duties in comparison to the other 40 partners in the same department.

Similarly, the examples of projects provided and the fact that the beneficiary has experience in capital markets, corporate matters, mergers and acquisitions, international investment, and cross-border transactions and has worked with major clients does not establish that the beneficiary's knowledge is specialized or advanced. Rather, the petitioner's specialized knowledge claims are largely based on fact that the beneficiary has worked as a corporate attorney. The petitioner does not

identify any specific skills or training that demonstrates that the beneficiary's knowledge is exclusive to the foreign entity's law firm. Moreover, the petitioner has not provided any evidence that the beneficiary's knowledge is pertinent or particular to specific services provided by the foreign entity's law firm. Merely claiming that the beneficiary has experience with legal transactions provided by the foreign entity to specific clients is insufficient when those transactions are not materially different from those that are provided by similarly experienced attorneys. The record does not include sufficient evidence demonstrating that the beneficiary has used his particular training or his experience to perform duties other than the routine duties of many experienced and skilled attorneys. Accordingly, the record does not establish that the beneficiary possesses specialized knowledge.

The petitioner has also failed to establish that the beneficiary would work in a specialized knowledge capacity for the petitioner. We observe that initially the petitioner provided a broad description of duties the beneficiary would perform and the amount of time the beneficiary would spend on the duties for the petitioner. The duties described pertain primarily to the duties of an attorney involved in security and corporate transactions. This list of duties, however, conflicted with the duties the beneficiary provided regarding his understanding of his proposed role for the petitioner. The beneficiary noted that his role would involve marketing and liaison, providing substantive legal services, and catching up with new issues faced by international law societies. Although the petitioner adopted the beneficiary's list of proposed duties in its response to the RFE, the petitioner failed to explain the inconsistencies in the type of duties listed and the amount of time devoted to each function. 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, supra*.

The petitioner also failed to further elaborate on how the disparate descriptions incorporated specialized or advanced knowledge of the petitioner's services and processes. Again, although the petitioner referenced the beneficiary's educational background and 15 years of experience, the petitioner did not articulate the nature of the specialized knowledge to be applied in the proffered position. The petitioner did not provide documentary evidence or sufficient explanation to support its broad claim that the beneficiary is one of the few people within the foreign entity and China with the beneficiary's knowledge. 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 foreign entity in this matter is described by the petitioner as the top law firm in China and is one with multiple branches within China. The foreign entity's organizational chart shows that there are 40 other partners within the beneficiary's own department. The petitioner, however, does not identify the educational backgrounds and training of the other partners and has not provided detailed and credible evidence to demonstrate that the beneficiary is indeed one of the few employees within the petitioner's organization who possesses advanced knowledge sufficient to provide legal consulting services to an international client base. Similarly, the petitioner fails to provide sufficient probative evidence establishing that the beneficiary's knowledge is not widely known within the industry. Many firms provide legal consulting services to an international clientele; the petitioner has not differentiated the beneficiary's particular knowledge from those of other individuals who also represent clients internationally.

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. 369, 376 (AAO 2010). The evidence submitted fails to establish by a preponderance of the evidence that the beneficiary possesses specialized knowledge or that he has been 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.

III. Conclusion

The petition will be denied and the appeal dismissed for the above stated reasons, with each considered as an independent and alternative basis for the decision. 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 the petitioner has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed. The petition will remain denied.