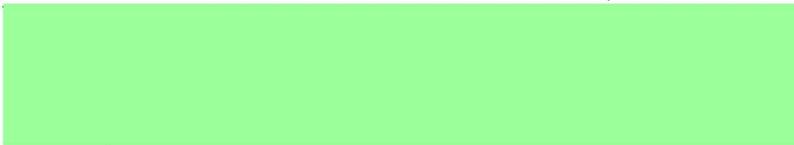
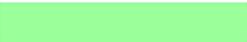


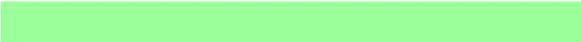


**U.S. Citizenship
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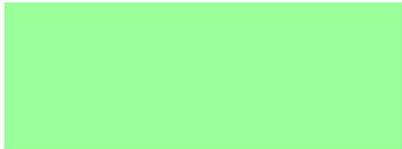


DATE: **MAR 29 2013** Office: CALIFORNIA SERVICE CENTER FILE: 

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 law was inappropriately applied by us in reaching our 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 request 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 that any motion must 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, denied the petition for a nonimmigrant visa, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed a nonimmigrant visa petition seeking to employ the beneficiary in the position of project leader for two years as an L-1B nonimmigrant 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 director denied the petition, concluding that the petitioner failed to establish that: (1) the beneficiary's employment abroad was in a specialized knowledge capacity; and (2) that the beneficiary would be employed in the United States in a specialized knowledge capacity.

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 record contains ample evidence establishing that the beneficiary was employed abroad and will be employed in the United States in a specialized knowledge capacity. Counsel submits a brief and additional documentation in support of the appeal.

I. The Law

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

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

The issues to be addressed are whether the petitioner established that the beneficiary was employed abroad and will be employed in the United States in a specialized knowledge capacity.

The petitioner is engaged in the information technology consulting business. The petitioner, established in 2000, has 33 employees and a gross annual income of \$8 million. The petitioner is a wholly owned subsidiary of [REDACTED], located in India, and claims to have offices in the United Kingdom, Germany, and Singapore. Regarding its business, the petitioner stated in a letter of support appended to the petition that it provides business intelligence and software solutions to the banking and financial services segments of the business industry.

The petitioner claimed that it developed two proprietary methodologies, known as C2C Life Cycle and Support Life Cycle, which are collectively part of the petitioner's [REDACTED] proprietary program. The petitioner further claimed that each employee, particularly those that work in the credit management environment and on related projects, are trained in these projects via classroom training and hands-on experience. A select few employees, including the beneficiary, are trained in certain industry domain specific knowledge.

Regarding the beneficiary's U.S. employment, the petitioner stated that it required his services in the role of technical project leader to supervise the implementation and testing of several architectural solutions for the petitioner's client, [REDACTED]. Specifically, the petitioner stated that the beneficiary would be responsible for the implementation of a "state of the art Enterprise Data Warehouse (EDW)." The petitioner indicated that the beneficiary had been working with [REDACTED] since August of 2008 to implement the EDW product, and claimed that EDW is being implemented by the petitioner's proprietary business intelligence framework called [REDACTED]. According to a document entitled "Scope of Activities for Application Administration," prepared by [REDACTED] Chief Technology Officer and submitted into the record, Phase I of this project has already been completed, and the beneficiary's services are required to execute Phases II and III of the project.

Regarding the specific duties of the proffered position, the petitioner stated as follows:

- *Work with [REDACTED] production support engineers to understand and train on current architecture and environment*
 - Understand production support roles and responsibilities of supporting the current applications
 - Understand the [EDW] architecture of the systems installed
 - Understand the objectives and service level agreement in providing support to the applications
 - Provide suggestions on technical feasibility of the architecture and environment
- *Provide methodological structure to be followed by [REDACTED] production support team in installing and maintaining the application in a web server environment*
 - [REDACTED] production support team is responsible for building the infrastructure of the web sites
 - Project leader needs to collaborate with these team members and engineers to understand the details of the infrastructure and how the installations of the [petitioner]-designed applications are to be properly done and how [REDACTED] web sites would be upgraded and maintained using [the petitioner's] methodologies
- *Collaborate with [REDACTED] various partners and vendors to develop EDW Phases II & III*
 - Project leader needs to participate in [REDACTED] production support operations at onshore [sic] in California and interact with [REDACTED] various partners and vendors in order to understand their various source systems/applications & processes used by the difference [sic] business service departments to gather their broad requirements in order to bring the data as needed into the [EDW] that [the petitioner]

- helped to design and implement as part of Phase II & Phase III development & implementation project
- Help the production support team translate various business requirements which have been gathered across the business service departments as part of the Phase II & III of EDW in technical specifications
 - *Participate in transitioning EDW development and UAT processes & GO Live*
 - Project leader has to supervise and work with the EDW development team for Phase II & III development processes and implement within the [REDACTED] architecture
 - Help train the business service departments in the newly built EDW system and coordinate with them to test and validate the new reports that have been designed for EDW against the existing reports that have been designed for EDW against the existing reports that have been generated conventionally by using multiple systems and processes
 - Responsible to obtain Sign Offs from all the business service departments at [REDACTED] for all the reports created in EDW as part of the Phase II & Phase III implementation
 - Head the roll out of Phase II & III into [REDACTED] production environment
 - *Participate in Production Support, Maintenance & Enhancements and Support One Point Access*
 - Collaborate and supervise the day-to-day requirements from various business service departments to facilitate the use of EDW Phases I, II, and III
 - Monitor and provide continual maintenance to EDW applications with the [REDACTED] Production Support team to cater to the business services efficient usage and timely data availability for top management and analytics team on a daily basis
 - Keep track of any changes that comes to the EDW application whenever the source systems are modified, which would eventually reflect in the EDW for the business users to access the latest business information
 - Achieve goal of making use of the EDW by the business services as their one point of access for any business data/information for the entire organization
 - Continually assist [REDACTED] IT team with general understanding of the EDW architecture that [the petitioner] helped develop and provide sufficient knowledge transition in order to support, maintain, and enhance this EDW moving forward.

The petitioner further stated:

[The beneficiary's] high degree of knowledge in these methodologies, as well as his expertise with the mechanism of credit reporting, credit scoring, and credit monitoring applications is what [the petitioner] needs here in the U.S. to fully integrate [the petitioner's] proprietary methodologies with its clients' own applications. [The beneficiary] is here to mentor and monitor the IT production support team to familiarize and then train them on the current architecture and environment. Then, [] would follow the methodologies implemented by [the beneficiary] and build the infrastructure for [] systems and data architectures. [The beneficiary] would also assist in production support operations at onshore (U.S.) to help create operational and procedural documentation for [].

* * *

If [the petitioner] did not have [the beneficiary] as its project leader for this production support project and collaborating with []'s team, then [the petitioner] would have had to ask its parent company in India – [] – to send a technical consultant to [] location and learn [] architecture from the ground up and waste valuable time and resources in doing so. More importantly, this could force [] to delay and prolong its production support activities and greatly affect [] operations. [The petitioner's] business relationship with [] can be jeopardized by such delays.

Regarding the beneficiary's qualifications for the proffered position and his experience working abroad for the foreign parent company, the petitioner stated that the beneficiary possesses specialized knowledge of the company's products and services, internal procedures, and analytical and developmental methods. Specifically, the petitioner stated:

As an employee of [] for the past 4 year[s], [the beneficiary] possesses unique knowledge of our company's proprietary methodologies and as referenced in the methodology brochure above, along with experience in overseeing project planning and management of project and business plans with top management.

* * *

Specifically, as an employee of [], [the beneficiary] received training for [] via classroom instructions, along with practical sessions, and hands-on experience with the [] methodologies. And now he possesses unique knowledge of our company's products and services, internal procedures, and analytical and developmental methods. [The beneficiary's] in-depth knowledge in [the petitioner's] C2C Life Cycle and Support Life Cycle methodologies is the reason why he is being assigned to the US to implement [the petitioner's] products and services here for [the petitioner's] client [].

The petitioner also discussed the beneficiary's education and training. The petitioner stated that the beneficiary attained a bachelor's degree in business administration from the [REDACTED] India, in 1998, and is currently pursuing a Master's degree in computer applications from the [REDACTED] in New Delhi, India. The petitioner further stated that the beneficiary has nine years of experience in the IT industry. Specifically, the petitioner claims that he specializes in Oracle tools as well as credit cards and loans. Prior to his employment with the petitioner, the beneficiary was employed as a database team leader, a systems consultant, and a programmer for various companies. According to the petitioner, he began his employment with the foreign entity in October 2005 as a lead consultant.

The director issued a request for evidence ("RFE"), in which she instructed the petitioner to submit, *inter alia*, an organizational chart for the U.S. entity, as well as a more detailed description of the specialized knowledge involved in the beneficiary's position abroad and in the United States, clearly identifying how the beneficiary's knowledge of the company's equipment, system, product, technique, or service is "special" and will be applied to the international market, or an description of how the beneficiary's knowledge is of an "advanced" level.

In its response to the RFE, the petitioner provided a copy of the petitioner's organizational chart, demonstrating that the beneficiary would oversee eight of the petitioner's employees as well as an unspecified number of [REDACTED] employees as well as offshore employees of the petitioner. Despite listing the names of eight individuals, however, the petitioner stated that currently, only the offshore team was in place, and that the beneficiary would serve as a liaison between the offshore team and the [REDACTED] employees. Regarding the director's request for additional details regarding the manner in which the proposed position was a specialized knowledge position, or that the beneficiary possessed specialized knowledge, the petitioner simply resubmitted the statements previously set forth in the support letter appended to the petition at the time of filing.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary's employment abroad was in a specialized knowledge capacity, or that the beneficiary would be employed in the United States in a specialized knowledge capacity.

On appeal, counsel incorporates all previously submitted statements provided by the petitioner into his brief and asserts that such statements provide ample evidence supporting the approval of the petition. Counsel contends that the director erred by disregarding the voluminous evidence submitted which clearly demonstrated the nature of the beneficiary's specialized knowledge and the extent to which the proffered position required specialized knowledge.

III. Analysis

Upon review, the petitioner's assertions are not persuasive. The AAO finds insufficient evidence to establish that the beneficiary has been or will be employed in a specialized knowledge position.

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.

The petitioner 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. Although the petitioner repeatedly asserts that the beneficiary has been and will be employed in a "specialized knowledge" capacity, the petitioner has not adequately articulated or documented any basis for this claim. The petitioner has failed to identify any special or advanced

body of knowledge which would distinguish the beneficiary's role from that of other similarly experienced project leaders employed in the petitioner's industry. 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 petitioner claims that the beneficiary has "unique" knowledge of the petitioner's products and services, internal procedures, and analytical and developmental methods. However, the record lacks sufficient evidence to support this claim. Moreover, the AAO is unable to determine, based on the evidence contained in the record, exactly to which products, services, internal procedures, and/or analytical and developmental methods this claimed knowledge refers. The petitioner briefly described two methodologies, C2C Life Cycle and Support Life Cycle, claiming that these methodologies are part of the petitioner's proprietary [REDACTED] program. Although the petitioner submits copies of its [REDACTED] Service Brochure and its brochure on providing Business Intelligence Solutions for Credit Unions, it is unclear how this knowledge imputed to the beneficiary demonstrates that the beneficiary's employment abroad was in a specialized knowledge capacity or that the proposed employment in the United States will require specialized knowledge.

Specifically, the petitioner claims that all employees are trained in these methodologies, via classroom and hands-on training. Therefore, since the beneficiary's co-workers have received the same training, it is unclear how the beneficiary's knowledge of these methodologies rises above that of any other employee of the petitioner. The AAO notes the petitioner's claim that "select few employees," including the beneficiary, are "trained in certain industry domain specific knowledge where [the petitioner] has completed projects before and thus have a repository of knowledge handy for case studies." This statement does little to clarify how the beneficiary's employment and training abroad is differentiated from any other employee of the petitioner. Merely claiming that the beneficiary has unique knowledge of internal products, services, procedures and methodologies is insufficient if those standards are not materially different from those that are generally known and used by similarly experienced workers within the petitioner's company.

Moreover, the petitioner focuses its discussion of the beneficiary's proposed employment in the United States on the implementation of the EDW project, of which the first Phase has already been completed. The petitioner indicates that, although he will be employed in the United States onsite at [REDACTED] as a project leader, there are currently no employees assigned to this project, and the beneficiary's main duties will be to act as liaison between the petitioner's "offshore" employees and the employees of [REDACTED]. This claim raises more questions that remain unresolved based on the evidence contained in the record.

First, the petitioner makes no connection between the [REDACTED] project and the [REDACTED] proprietary product and its two methodologies, C2C Life Cycle and Support Life Cycle. The petitioner claims the beneficiary has unique knowledge of these methodologies which confers specialized knowledge

on the beneficiary, yet these methodologies have not been shown to have a role in the beneficiary's proposed U.S. employment. Instead, the petitioner briefly identified the claimed proprietary business intelligence framework identified as "[REDACTED]" as the product utilized in implementing EDW. This brief claim, and the petitioner's submission of this product's brochure, has no connection to the previous claims of the petitioner regarding [REDACTED] and raises additional questions regarding which of these claimed proprietary products the beneficiary has knowledge of or will utilize during his proposed U.S. employment. Furthermore, it appears that all employees of the foreign entity receive the same training in these methodologies, thereby undermining the petitioner's claim that the beneficiary's training in these methodologies sets him apart from his co-workers.

Additionally, the beneficiary is familiar with the EDW product based on his work on said project since August of 2008. However, it appears that a team of offshore employees of the foreign entity, including the beneficiary, were responsible for the implementation of Phase I of this project. It is unclear, therefore, how the beneficiary's knowledge of this product is differentiated and elevated above that of the other employees who worked on Phase I with the beneficiary. The petitioner stated that it would have to send a technical consultant from the foreign entity to the U.S. to perform the duties of the beneficiary as project leader should the instant petition be denied. Although the AAO notes that such a person, according to the petitioner, would have to "learn [REDACTED] architecture from the ground up," thus resulting in hardship and delays, the petitioner fails to sufficiently explain how other employees of the foreign entity or the petitioner, or the offshore team that implemented Phase I of the project, could not perform the duties of the beneficiary.

The petitioner failed to explain and distinguish what specialized knowledge particular to the petitioner is required to supervise the [REDACTED] project, as compared to the operations of similar software implementation and integration projects performed by team or project leaders within the petitioner's industry for similar clients. For instance, claiming that another employee would have to learn the architecture suggests that the duties of the proffered position is, contrary to the petitioner's claims and as noted by the director, easily transferrable, because the architecture of a particular client project is something all IT consultants or project leaders are likely required to master at the beginning of a new project. Absent evidence demonstrating that only someone with specialized knowledge of a specific methodology or product of the petitioner is capable of performing the duties of the beneficiary's proposed position, the AAO cannot determine that the U.S. employment requires specialized knowledge as contemplated by the regulations.

Even if the petitioner could establish that knowledge of the [REDACTED] project and the EDW product requirements constitutes specialized knowledge for the purposes of employment in the United States, the petitioner is also required to establish that the beneficiary's qualifying period of employment abroad involved specialized knowledge. The petitioner has not claimed that the foreign employees working in India, or in the various offices located in the United Kingdom, Germany, or Singapore, are unfamiliar with the EDW product or the [REDACTED] project or the various methodologies discussed above. In fact, since Phase I of the [REDACTED] project has already been completed, and there are no employees working onsite in the U.S. on this project, the AAO assumes that such knowledge is in fact commonly held among the foreign entity's workforce. The petitioner admits that all employees received the same training regarding the petitioner's proprietary [REDACTED] product and related

methodologies. Although it has not been clearly demonstrated how the beneficiary's "unique" knowledge of this product and its methodologies, which the petitioner claims bestows specialized knowledge on the beneficiary, is connected to the EDW and [REDACTED] products and the [REDACTED] project in the U.S., it appears that all employees routinely receive the same training. From the record as presently constituted, therefore, it cannot be concluded that the petitioner's methodologies or products are particularly complex or different compared to those utilized by other companies in the industry that provide similar, universal training to all of their employees.

On appeal, counsel for the petitioner claims that the beneficiary was involved in the actual design and development of the EDW solution as well as the customization and enhancement of the [REDACTED] product, and further claims that the beneficiary previously served as a member of the foreign entity's Engineering Process Group. The petitioner contends, for the first time, that the beneficiary was the chief architect of the EDW system. On appeal, a petitioner cannot offer a new position to the beneficiary, or materially change a position's title, its level of authority within the organizational hierarchy, or the associated job responsibilities. The petitioner must establish that the position offered to the beneficiary when the petition was filed merits the requested classification. *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248, 249 (Reg. Comm'r 1978). A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to USCIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998). Although afforded the opportunity to further explain the nature of the beneficiary's claimed specialized knowledge and supplement the record with additional evidence in response to the RFE, the petitioner failed to do so and instead submitted the identical description of the beneficiary's position and duties deemed insufficient with the initial petition. Where, as here, a petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *see also Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988).

Overall, the evidence submitted does not establish that knowledge of the petitioner's [REDACTED] EDW product, or the [REDACTED] project constitutes specialized knowledge, or that this knowledge is so complex that it could not be readily transferred to similarly trained and experienced employees from outside the petitioning organization. For example, the petitioner provides no detail regarding the duration of the training it provides its employees, nor does the record contain information such as a syllabus or other document outlining the actual training provided and the method(s) in which it is offered. Since all employees receive the same or similar training, it is unclear why a similarly-degreed and experienced individual within the petitioner's industry could not also gain this same level of knowledge.

To establish eligibility in this proceeding, the petitioner may alternatively establish that the beneficiary possesses an advanced level of knowledge or expertise in the organization's processes and procedures and that the position requires such knowledge. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D).

In this regard, the petitioner relies on the beneficiary's education and experience in the industry, noting that he has been employed in the information technology field for approximately nine years after obtaining his bachelor's degree in business administration. It is unclear how the beneficiary's general purpose degree in business administration contributed to his claimed "special" knowledge in

this matter. Moreover, the length of the beneficiary's experience in the industry, alone, is not sufficient to establish that the beneficiary's knowledge is considered "special" or "advanced." It is further unclear at what point during the beneficiary's four years of employment with the foreign entity he was considered to have acquired specialized knowledge. The petitioner has also not provided any information that would assist USCIS in comparing the beneficiary's skills and knowledge to that of other similarly employed workers within the organization.

Although it is accurate to say that the statute does not require that the advanced knowledge be narrowly held throughout the company, it is equally true to state that knowledge will not be considered "special" or "advanced" if it is universally or even widely held throughout a company. Here, the petitioner's argued standard for advanced knowledge appears to require nothing more than standard training provided to all employees and a period of service performing duties related to the U.S. position, qualifications that may be widely held by the petitioner's foreign workforce.

While the petitioner continually seeks to distinguish the beneficiary from other employees of the petitioner and the industry in general, it does not attempt to distinguish his knowledge or duties from those possessed by other higher-level personnel such as the project manager or delivery head as listed on the U.S. organizational chart. Without such evidence, the AAO cannot conclude that the beneficiary's knowledge is "advanced."

The petitioner has failed to demonstrate that the beneficiary's training, work experience, or knowledge is more advanced than the knowledge possessed by others employed by the petitioner, or in the industry. It is clear that the petitioner considers the beneficiary to be a skilled and important employee of the organization. The AAO does not dispute the fact that the beneficiary's knowledge has allowed him to competently perform his duties for the past four years. However, the successful completion of one's job duties does not distinguish the beneficiary as an employee possessing advanced knowledge of the petitioner's processes and procedures, nor does it establish employment in a specialized knowledge capacity with the foreign entity.

Nor does the record establish that the proposed U.S. position requires specialized knowledge. While the position of project leader advisor may require a comprehensive knowledge of the [REDACTED] project and the EDW product, the petitioner has not established that this position requires "specialized knowledge" as defined in the regulations and the Act. Based on the evidence presented, it is concluded that the beneficiary does not possess specialized knowledge, nor would the beneficiary be employed in a capacity requiring specialized knowledge. For this reason, the appeal will be dismissed.

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). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* 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. The record does not

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establish that the beneficiary has specialized knowledge or that the position offered with the United States entity requires specialized knowledge.

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 appeal will be dismissed.

ORDER: The appeal is dismissed.