



U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **APR 01 2014** Office: VERMONT SERVICE CENTER



IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg

Chief, Administrative Appeals Office

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

The petitioner filed this nonimmigrant petition seeking to extend the beneficiary's status 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 is an international banking company with a gross annual income of \$83 billion and 300,000 employees located in 7,200 offices worldwide. The beneficiary was initially admitted into the United States under the petitioner's L-1 blanket petition. The petitioner seeks to extend the beneficiary's status so that she may continue to serve as a Quantitative Analyst for a period of approximately two additional years.

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

Counsel for the petitioner filed a timely appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel contends the director erred in determining that the beneficiary does not possess specialized knowledge. Counsel asserts that the director disregarded the petitioner's representations that the beneficiary is the only member of the company's Quantitative Risk and Valuation Groups serving the Latin American market and the only Spanish-speaking member of the group, thus giving her a unique role requiring specialized knowledge of "the diverse cultures and markets in these countries." Counsel submits a brief in support of the appeal.

I. The Law

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

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

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

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. Facts and Procedural History

The petitioner filed the instant Form I-129, Petition for a Nonimmigrant Worker, on February 15, 2013. The petitioner is an international banking company with a gross annual income of \$83 billion and 300,000 employees located in 7,200 offices worldwide. The petitioner seeks to extend the beneficiary's L-1B employment as a Quantitative Analyst. In a letter dated February 11, 2013, the petitioner stated that the beneficiary worked at [REDACTED] as an analyst from June 2008 until May 2010, when she was transferred to the United States under the petitioner's L-1 blanket petition.

The petitioner provided the following description of the beneficiary's position with the foreign entity:

[The beneficiary] utilized her extensive specialized knowledge in Economics and Global Markets from years of both education and employment in the financial arena in order to perform yield curve modeling, bond's modeling and pricing, econometric research such as liquidity concentration, spread analysis, and valuation for the Fixed Income Team. As a Market Risk Analyst, her main responsibilities included performing market risk modeling and control. She was responsible for modeling projects including proposing, implementing,

calibrating, and validation of behavioralization of assets and liabilities accounts, prepayment modeling, stress tests (both parametric and non-parametric) and historical VaR (Value at Risk).

The petitioner states that the beneficiary is currently employed as a Quantitative Analyst. The petitioner claims that the position is a member of one of the Global Markets teams and that the duties include providing a variety of research, model reviews, and quantitative analysis on the integrity of available market data. The petitioner stated that the position requires specialized knowledge of the proprietary framework, financial industry structuring, and marketing systems. The petitioner claims that only nine employees perform derivative model review in the New York office and that each member covers one specific asset or market. The petitioner states that the beneficiary is the only person covering the Latin American market, that there is no other employee who can perform the job, and that it would be impossible to train someone else to the level required to perform the job functions within a reasonable timeframe. The petitioner states that it would take "years of training and a special skill set" to acquire the advanced knowledge of the company's structure and the Latin American market required to perform the job functions.

The petitioner describes the Quantitative Analyst duties as:

- Research, develop, and review new risk methodologies to satisfy requirements of BASEL II, IAS, FAS, and other regulatory frameworks.
- Develop methodologies to enhance the calculation efficiencies for large-volume trading while retaining reasonable accuracies - theoretical as well as practical.
- Prototype and coordinate the methodology and enhancement implementation with IT team.
- Perform ad-hoc Quantitative Analysis in various aspects of risk measurements, stress tests, what-if analysis on the existing portfolios and during new product/transaction approval.
- Perform on demand quantitative support for market risk management and market risk control functions.
- Documentation review, validation, and document risk methodologies across asset classes outlined above.
- Participate in [company] joint group development effort to develop and validate new risk models, such as Basel II initiatives (Stressed VaR, Comprehensive Risk Measure), Scenario Engine as part of Group risk methodology to be used across the different regions.
- Make day-to-day independent decisions to resolve day-to-day issues and carry out own job responsibilities and meet primary goals and objectives.
- Analyze and escalate unusual or complex issues to manager.

The petitioner states that the beneficiary has specialized knowledge of the company's framework, financial products, methodologies, and tools for market risk analysis.

The petitioner provided a copy of the beneficiary's university degree from Uruguay indicating that the beneficiary acquired the title of University Analyst in Economics on April 30, 2001.

The petitioner also provided an organization chart for the U.S. entity's "Quantitative Risk & Valuation Group" (QRVG), which includes teams for QRVG Development (Global) team, QRVG HSS Support team, QRVG Analytics Americas team; and the QRVG Model Review Americas team. The chart shows the beneficiary as one of five analysts reporting to the Team Lead for QRVG Model Review Americas.

The director issued a request for additional evidence, ("RFE"), informing the petitioner that the submitted evidence was insufficient to establish that the beneficiary possesses specialized knowledge or that she will be employed in a position requiring specialized knowledge. The director requested, among other evidence, the following: (1) an explanation of how the knowledge used in the beneficiary's position is different than that of similar positions in the industry; (2) an explanation of the product, tool, research, equipment, process, or procedure that requires the beneficiary's use of specialized knowledge; (3) a description of how the knowledge involved in the position is "advanced" within the petitioning company; (4) an explanation of how the equipment, system, product, technique, or service used by the organization is "special," and how it is applied in the international marketplace; (5) an explanation of why a similarly trained and experienced person in the same field cannot perform the duties; (6) a statement of the minimum time required to obtain the claimed specialized knowledge, including the training and actual experience accrued after the completion of training; (7) an explanation of how the beneficiary's role in significant assignments has enhanced the employer's productivity, competitiveness, image, or financial position; and (8) a formal training record for the beneficiary.

In response to the RFE, the petitioner submitted the following evidence: (1) an equivalency evaluation for the beneficiary's education indicating that beneficiary completed a three year course of study in economics and obtained a post graduate diploma in finance on February 9, 2012; (2) a document providing information on the company's quantitative techniques division described as "consist[ing] of 10 analysts located in Edinburgh and [is] supported by [the company]'s Bangalore operations;" and (3) documents providing an overview of the company's Latin American operations.

In a letter dated April 30, 2013, the petitioner explained that the beneficiary works on a team of six quantitative analysts called the Quantitative Risk and Valuation Group, ("QRVG"). The petitioner explains that each analyst works exclusively on a specific market or business, and that the beneficiary is the only member of her team serving the Latin American Market.

The overall responsibilities of the QRVG are described as follows:

- Model Review - independently review and approve the Front Office models required for official reporting purposes, traded risk models (Market Risk and Counterparty Risk), ALCO Models and Asset Management models. The members work closely with traders, desk quantitative analysts, risk managers, IT developers, etc.
- Analytics - support to Product Control in the proposition, refinement, and implementation of fair value adjustments. Quantitative support for Product Control and Traded Risk Management.
- Development- implementation and support of quantitative control tools for infrastructure.

More specifically, the petitioner states that the duties related to the proffered position include:

- Review and provide quantitative opinions on the models including their theoretical soundness, limitations, consistency, stability, and calibration. Model risk assessment is the focus of the model review group.
- Justify the model assumptions/constraints and assess their impacts to the valuation and risk by performing sensitivity analysis on models as required.
- Validate the implementation of the model review group to develop independent quantitative library for model risk assessment and model implementation validation purposes.
- Perform quantitative/mathematical/statistical assessment procedures necessary to validate model parameters and performance.
- Keep up to date with academic, technical and industry developments in the field of derivatives model design, development, validation and stress testing, and more general regulatory requirements, in order to assess the compliance and effectiveness of the models.
- Advise business units on the most appropriate quantitative estimation, validation and stress testing methodologies to use.
- Perform or involve in the review and sign-off of Product Due Diligence and Transaction Approval Package.
- Provide model related support and ad-hoc deal analysis to risk managers.

The petitioner claims that "the quantitative analysis methodologies and tools of [the petitioner] are unique or different from those used in the U.S. financial industry in general" because [the petitioner] acts as a controller and support for [company] Group sites in the entire Americas region, and each group site trades in different products in a different economic and regulatory environment. Further, the petitioner claims that it has "several in-house systems which require years of learning before being able to master them."

The petitioner asserts that the beneficiary is the only team member working in the Latin American market, and that she possesses advanced knowledge of the products, methodologies, and tools used at the company's sites in Latin America. Furthermore, the petitioner claims that the beneficiary has advanced knowledge of the Latin American sites' economic, regulatory, and cultural environments. Specifically, the petitioner claims that the beneficiary possesses advanced knowledge of the petitioner's modeling strategy and methodologies for the Latin America Market Risk, Product Control, Front Office and Treasury Finance and the company's derivative products.

The petitioner provides the following position description for the six QRVG members:

- [REDACTED] focus is on the validation of two main assets classes traded in [the petitioner]: the Credit Flow business and the SCP business. He also oversees the work of the Group.

- [REDACTED] is responsible for the validation of three main types of models: Prepayment Risk, Balance Sheet Management and Asset and Liability Management. He covers all the activity done in [the petitioner] under the mentioned asset classes. He also has management responsibilities over one team member.
- [REDACTED] covers the review of modeling of Emerging Markets desk of [the petitioner] and also Balance Sheet Management, Private Banking and Risk Modeling. This means that he reviews all the models used by the specified desks of the [petitioner] branch.
- [REDACTED] covers the review of all models used by [the petitioner's] desk that trades the following asset classes: SCP, Precious Metals, Rates and Business Service Management.
- [REDACTED] works on specific asset classes covering all the models traded by the following desks: Asset and Liability Management, Balance Sheet Management, and the HBIO business.
- [The beneficiary], [REDACTED] In contrast to the rest of the QRVG members, [the beneficiary] does not cover products traded by [the petitioner]. Instead, she is responsible for the review of models used in other sites of the [petitioner's] Group such as Latin America's sites as well as Bermuda and Canada. This means that any model used by the local sites [REDACTED] Argentina, Bermuda, Brazil, Canada, Chile, Mexico, Paraguay, and Uruguay) are all subject to [the beneficiary's] review. To successfully perform this role, it is required to have more than just basic knowledge of the diverse cultures and markets in these countries.

The petitioner states that the beneficiary gained her advanced knowledge through her education and six years of experience she has working for the company in the United States and abroad and by living and working in South America. The petitioner claims that "it will take at least three (3) years to train another employee to reach the level of advanced knowledge and skill that the beneficiary possesses."

The petitioner further stated:

The quantitative analysis methodologies and tools of [the petitioner] are unique or different from those used in the U.S. financial industry in general. Each [petitioner] site trades different products, in a different economic and regulatory environment. It is therefore crucial to know these aspects in detail to be able to successfully perform in the job. As an example, Latin American markets trade different asset classes (typically inflation-based products) and most of its documentation in Spanish or Portuguese, making language an important requirement.

In addition, [the beneficiary's] specialized knowledge consists of a unique combination of quantitative skills, advanced knowledge of [the petitioner's] business strategies in Latin American markets as well as its culture and economics. Through her work with [the petitioner] abroad, [the beneficiary] has acquired in-depth experience on the products and the legal and economic environment in Latin America.

The petitioner stated that it "would not be possible to find and train a new candidate, who has the unique combination of skills, linguistically, financially and culturally to fulfill this role."

The petitioner submitted documents providing information about the Quantitative Technique (QT) division and the company's Latin American operations. The documents do not provide information regarding the knowledge required for the proffered position or the beneficiary's specialized knowledge. In fact, the QT documents provide information for a ten person department located in Edinburgh and supported by the Bangalore site.

The director denied the petition concluding that the petitioner failed to establish: (1) that the beneficiary was employed in a specialized knowledge position for the requisite one year period before entering the United States under the petitioner's blanket petition; (2) that the beneficiary's U.S. position requires specialized knowledge; and (3) that the beneficiary possesses specialized knowledge.

The director specifically noted: that the petitioner did not provide formal training records for the beneficiary; that the beneficiary's university degree from [redacted] was awarded after the beneficiary transferred to the United States under the petitioner's blanket petition; and that although the petitioner claimed an individual would require three years of training to reach the advanced level of knowledge required for the position, the beneficiary was employed by the foreign entity for less than two years at the time she transferred to the United States to fill the position.

The director also found that the petitioner failed to demonstrate how the beneficiary's training is different than the petitioner's other employees or is specialized in the industry. The director stated that the beneficiary's ability to use the organization's products, tools, processes, and procedures does not establish specialized knowledge. Further, the director noted that the evidence did not indicate that the beneficiary is able to perform her duties without senior member involvement.

On appeal, counsel for the petitioner asserts that the director's finding that "there is no indication that the duties of the beneficiary are 'different' from any other employee of [the petitioner]" disregards undisputed representations by the petitioner that the beneficiary is the only member of the QRVG who speaks Spanish, was educated and trained in Latin America, and serves the Latin American market. Counsel states that because the beneficiary is responsible for the review of models used at the company's other sites, she requires "more than just basic knowledge of the diverse cultures and markets in these countries."

Counsel also asserts that to replace the beneficiary an individual would require three years of experience because the beneficiary became more specialized and more integral to the project after her transfer to the United States. Counsel states that "there is nothing in the statute that supports the principle that an applicant must have gained all of his or her specialized knowledge exclusively while working abroad for the sponsoring petitioner."

III. Analysis

Upon review, the petitioner's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge or that her position abroad or in the United States requires an employee with specialized knowledge 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 petitioner must also show that the individual's employment abroad for the prior year involved specialized knowledge. 8 C.F.R. § 214.2(l)(3)(iv). 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.

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.

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). USCIS 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.*

In examining the specialized knowledge of the beneficiary, the AAO will look to the petitioner's description of the job duties. *See* 8 C.F.R. § 214.2(l)(3)(ii). The petitioner must submit a detailed job description of the services to be provided sufficient to establish specialized knowledge. Mere assertions that the beneficiary's knowledge is "special" or "advanced" are insufficient to meet the petitioner's burden of proof.

In the present case, the petitioner claims are based on the assertions that: (1) the beneficiary has special knowledge of the company's methodologies, strategies, products, and tools used in the Latin American markets, and that these methodologies and tools are "different or unique" from those generally used in the U.S. financial industry in general; and (2) that the beneficiary has advanced knowledge of the company's business strategies in Latin American market.

The petitioner stated that the beneficiary would be responsible for duties typical of a quantitative analyst, such as research, development, and review of risk management methodologies; prototyping and coordinating the methodology with the IT team; performing quantitative analysis in risk management; documenting and validating risk methodologies across asset classes. The description of the duties, alone, does not establish that the proffered position requires specialized knowledge beyond what is typically required of a quantitative analyst.

Instead, the petitioner claims that the position requires specialized knowledge because the company's methodology and tools are "unique or different" from those used in the U.S. financial industry. More specifically, the petitioner states that the company has several "in-house" systems that take years to master. However, it has not provided evidence to support the claims. It has neither explained nor documented its internal tools, systems, or methodologies, nor clarified what sets them apart from other firms providing the same services to the same clients in the same market sector. Further, the petitioner provided no information regarding the training and experience requirements deemed to be sufficient for "mastery" of such systems. Finally, the petitioner did not explain which of the beneficiary's duties require her to have mastered these systems. 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)).

While knowledge need not be proprietary in order to be considered specialized, the petitioner must still establish that the knowledge utilized in the proposed position and possessed by the beneficiary is in fact specific to the petitioning organization, and somehow different from that possessed by similarly-employed personnel in the industry. It is reasonable to believe that all companies develop internal tools and methodologies, however, without an explanation or evidence of the internal tools and methodologies, it cannot be concluded that the petitioner's internal tools or methodologies are particularly complex or different compared to those utilized by other companies in the financial industry, or that it would take a significant amount of time to train an experienced quantitative analyst to perform the duties required of the position.

While the petitioner claims that an individual would require three years of experience to be able to perform the proposed quantitative analyst duties, it is noted that the beneficiary worked for the foreign entity for just under two years at the time she was transferred to the United States under the petitioner's blanket petition. While counsel claims that there is no requirement that the beneficiary gain all her specialized knowledge abroad, the statute and regulation do require the petitioner to establish that the beneficiary was employed in a specialized knowledge capacity for at least one year in the three years preceding her transfer on L-1B status. This inconsistency undermines the petitioner's claims that the beneficiary was employed abroad in a specialized knowledge capacity. 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). The petitioner has failed to establish that the beneficiary was employed abroad in a specialized knowledge capacity.

The minimal evidence submitted suggests that the petitioner's employees are not required to undergo any extensive training in the company's tools, strategies, and methodologies. The petitioner has not claimed that the

beneficiary underwent any internal training in company procedures or methodologies since joining the organization. The petitioner does not articulate or document how specialized knowledge of the company's claimed internal methodologies, tools, and strategies is typically gained within the organization, or explain how and when the beneficiary gained such knowledge. At the time of her transfer to fill the specialized knowledge position, the beneficiary had three years of university education and less than two years of employment with the foreign entity. The petitioner has not clearly articulated any claimed specialized knowledge that the beneficiary gained during her employment other than "hands-on" training that has not been distinguished from the training that the other employees in company acquire. the beneficiary cannot be considered a specialized knowledge employee based solely on the length of her tenure with the organization.

The petitioner's claims also rest on the assertion that the proffered position requires specialized knowledge of the Latin American market. The petitioner stresses that the beneficiary has specialized knowledge based on her residency in South American, her knowledge of Latin American cultures, and her ability to speak Spanish. Knowledge regarding specific financial sectors, individual key players within these sectors, and the major international financial firms, is not knowledge that can be considered specific to the petitioning organization, and is not "specialized knowledge" as defined in the statute and regulations. Furthermore, the AAO cannot find that the beneficiary's cultural experiences and native language skills constitute specialized knowledge specific to the petitioning organization. The petitioner may find the beneficiary to be a perfect fit for their organization based on the talents, skills, and life experiences she possessed when she was hired, and may even deem these qualities to be impossible to find in another individual. However, these traits do not establish the beneficiary's eligibility for L-1B classification.

The AAO acknowledges the petitioner's claim that the beneficiary's presence in the United States is critical to the petitioning company's objectives in the Latin American market. However, merely establishing that the beneficiary will undertake an important position will not satisfy the petitioner's burden of proof. The petitioner must still submit evidence to establish that it will employ the beneficiary in a specialized knowledge capacity. While the beneficiary's skills and knowledge may contribute to the success of the petitioning organization, this factor, by itself, does not constitute the possession of specialized knowledge; the regulations specifically require that the beneficiary possess an "advanced level of knowledge" of the organization's processes and procedures, or a "special knowledge" of the petitioner's product, service, research, equipment, techniques, or management. 8 C.F.R. § 214.2(l)(1)(ii)(D). In the present matter, the petitioner's claim appears to be based primarily on the beneficiary's tenure with the company, which has resulted in greater familiarity with the petitioner's tools and processes than employees with a shorter term of employment may have. This does not, however, establish that the beneficiary's specific knowledge is specialized. As determined above, the beneficiary does not satisfy the requirements for possessing specialized knowledge.

Finally, the AAO acknowledges that the beneficiary was previously approved for an L-1B visa pursuant to the petitioner's Blanket L petition. The mere fact that a visa petition was approved on one occasion does not create an automatic entitlement to the approval of a subsequent petition for renewal of that visa. *Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 148 (1st Cir 2007); see also *Matter of Church Scientology Int'l.*, 19 I&N Dec. 593, 597 (Comm'r. 1988). For example, if USCIS determines that there was material error, changed circumstances, or new material information that adversely impacts eligibility, USCIS may question the prior approval and decline to give the decision any deference. Moreover, each nonimmigrant petition filing is a separate proceeding with a

separate record of proceeding and a separate burden of proof. In making a determination of statutory eligibility, USCIS is limited to the information contained in that individual record of proceeding. *See* 8 C.F.R. § 103.2(b)(16)(ii). In this case, the beneficiary's L-1B status was granted by the U.S. Consulate in Buenos Aires and USCIS has not previously reviewed the beneficiary's qualifications for the benefit sought.

The director reviewed the record of proceeding and concluded that the petitioner was ineligible for an extension of the nonimmigrant visa petition's validity based on the petitioner's failure to establish that the beneficiary would be employed in a position requiring specialized knowledge and failure to establish that the beneficiary had at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition.

If the previous petition was approved based on the same or similar evidence as contained in the current record, the approval would constitute gross error on the part of the consular officer who reviewed the beneficiary's application under the Blanket L petition. Despite any number of previously approved petitions, USCIS does not have any authority to confer an immigration benefit when the petitioner fails to meet its burden of proof in a subsequent petition. *See* section 291 of the Act. The AAO finds that the director was justified in departing from the prior approval and denying the instant request for an extension of the beneficiary's status.

IV. 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.

ORDER: The appeal is dismissed.