



U.S. Citizenship
and Immigration
Services

(b)(6)

[REDACTED]

DATE: **JAN 16 2014** Office: CALIFORNIA SERVICE CENTER [REDACTED]

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:

[REDACTED]

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, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed this nonimmigrant petition seeking to classify the beneficiary as an L-1B 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, a Washington corporation, states that it operates one of the world's largest independent actuarial and consulting firms. The petitioner claims to be the parent company of [REDACTED]. The petitioner seeks to employ the beneficiary in a specialized knowledge capacity as an actuarial analyst in its Wisconsin office for an initial period of three years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he has been employed abroad or would be employed in the United States in a position requiring 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 for the petitioner asserts that the director's decision is erroneous in light of the evidence submitted and the applicable law.

I. THE LAW

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

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

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

For purposes of section 101(a)(15)(L), an alien is considered to be serving in a capacity involving specialized knowledge with respect to a company if the alien has a special knowledge of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company.

Furthermore, the regulation at 8 C.F.R. § 214.2(l)(1)(ii)(D) defines specialized knowledge as:

[S]pecial knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures.

The regulation at 8 C.F.R. § 214.2(l)(3) states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training and employment qualifies him/her to perform the intended services in the United States; however the work in the United States need not be the same work which the alien performed abroad.

II. THE ISSUE ON APPEAL

The sole issue addressed by the director is whether the petitioner established that the beneficiary possesses specialized knowledge and whether the beneficiary has been employed abroad, and would be employed in the United States, in a position that requires specialized knowledge.

A. Facts

The petitioner indicated on the Form I-129, Petition for a Nonimmigrant Worker, that it is engaged in actuarial and consulting services. It further states that it has 2,229 employees and a gross annual income of \$723 million. The Form I-129 indicates that the petitioner will employ the beneficiary in the position of actuarial analyst. In a letter of support dated February 13, 2013, the petitioner explained that it required the beneficiary's services on a temporary and intermittent basis in order to utilize his specialized knowledge and skill of several of its proprietary tools to assist its U.S.-based health insurance clients prepare bids for Medicare Advantage plans to the U.S. Department of Health and Human Services' Center for Medicare and Medicaid Services (CMS). Specifically, the petitioner stated:

These tools and systems, more of which are described below, have been conceptualized, developed, maintained and utilized entirely within the global operations of [the petitioner]. Because of the complex and rigorous nature of both the bidding process and the actuarial analysis of health data, expert knowledge of these tools as well as of [the petitioner's] internally developed bidding procedures and quality assurance standards is key to maintaining [the petitioner's] competitiveness and profitability in the field.

The petitioner identified these internal tools as follows: (1) [REDACTED]

The petitioner further stated that "individuals possessing the necessary knowledge and skills in how to accurately and efficiently utilize these internally developed tools and systems to complete the Medicare Advantage bidding process are almost non-existent *outside* of the petitioner's family of companies" and that it expends a significant amount of time and money each year training a "*select*" group of its staff in the use of these tools, databases, and systems. The petitioner contends that the beneficiary is one of these select employees who received the appropriate training, thus qualifying him for classification as an L-1B nonimmigrant intracompany transferee with specialized knowledge.

Regarding the beneficiary, the petitioner stated that he had been employed as an actuarial analyst at the petitioner's subsidiary in [REDACTED] since May 2008. The petitioner provided the following overview of the beneficiary's claimed specialized knowledge:

Since August 2008, [the beneficiary] has worked extensively on [the petitioner's] proprietary products and tools designed specifically for [the petitioner's] clients within the U.S., Chinese and surrounding Southeast Asia, South Asia and Middle East health insurance industries. His work involves extensive utilization of the petitioner's [REDACTED] . . . and proprietary tools and databases, including [REDACTED]

- Provide actuarial advice and strategy support to clients with respect to their medical insurance product and benefit plan offerings in order to help clients:
 - assess on both an immediate and long-term basis the economic costs, required operational changes, necessary investments and potential benefits as well as risks associated with implementing, sustaining, or expanding a variety of medical insurance products or expanding into new geographic areas for coverage.
 - analyze, model and forecast use/claim rates for clients' medical insurance product lines in order to help clients:

- maintain financial soundness and feasibility of their various product lines, including appropriate cash reserve levels necessary to ensure their ability to pay future benefits under the terms of their product lines;
- consider and set existing or alternative plan pricing designs;
- analyze the benefits and premium levels of medical insurance products in a given geographic or political region to allow clients to strategically analyze their relative market position and make more intelligent product adjustments to maximize profits and/or manage risk.
- Prepare and utilize proprietary actuarial models and projections to forecast and analyze the annual costs and revenues for clients' existing medical insurance plans/systems and products;
- Analyze risk scores of insurer's membership populations and estimate projected risk scores based on demographic and healthcare factors using membership population metrics;
- Develop premium rates for health insurance products through:
 - extraction, cleaning and preparation of data for analysis;
 - initial analysis to establish trends and levels;
 - detailed analysis to develop pricing assumptions; and
 - development of pricing alternatives, comparisons and forecasts;
- Complete bid submissions to various government social insurance entities in their approved electronic format and in compliance with all applicable bidding guidelines;
- Develop, analyze and verify necessary supporting documentation for submitted medical insurance contract bids, including actuarial certification and bid substantiation for each benefit plan as required in the applicable bid instructions;
- Prepare final management reports documenting the submitted bid information, including conclusions and the major assumptions used in developing the bids;
- Develop benchmarks adjusted to clients' medical insurance plan coverage, benefit plan design and consumer/insured profiles to make them comparable to actual benefit claims and payment data and then carry out detailed actuarial analysis to identify opportunity areas where significant savings in plan costs could be achieved by bringing costs and utilization down to benchmark levels;
- Assess, monitor and audit data quality submitted and analyzed for medical insurance contract bidding and business analysis purposes by clients, including clients' medical cost and administrative cost experience data. Assessment and analysis includes running rigorous checks through the data to validate/assess credibility of the data, highlight any trends or random fluctuations and identify any anomalies and develop manual rates based on statistical variance when necessary to supplement clients' experienced data to improve credibility of data reported;

- Audit Monthly Membership Reports of inpatient, outpatient and prescription drug payments from various government and social insurance reimbursement entities in order to determine if any payments have not been received;
- Develop and improve actual algorithms and assumptions to be utilized in the above-described actuarial consulting and bid development activities;
- Develop activity codes for reporting measures to report plan claim experiences in compliance with applicable reimbursement technical instructions; and
- Model the impact of emerging healthcare technologies and drugs due to regulatory approval in terms of utilization and cost by assumption for incidence and prevalence rates, costs of new drug or technology, treatment modalities and required grade-in periods.

Regarding the beneficiary's proposed position in the United States, the petitioner claimed that "there are simply not enough [employees of the petitioner] in the United States who have the skills required to competently prepare and submit all of the CMS bids needed by [the petitioner's] clients." Specifically, the petitioner claimed that it requires the services of the beneficiary in its [redacted] office for a four-month period to ensure that the office has the ability to prepare, complete and submit all of the CMS bids required by the office's clients. The petitioner further claims that he will participate in daily meetings to provide support and training to his U.S. colleagues. Regarding his specific duties, the petitioner claimed that he would perform the duties described above, including but not limited to:

- Actuarial analysis utilizing [the petitioner's] [redacted] and related proprietary tools and products to determine rates for various health plans;
- Assessing viability of health plans via advanced actuarial modeling tools and methods;
- Analyzing, assessing credibility and summarizing client medical cost and administrative cost experience;
- Preparing manual rates based on statistical variance to supplement client experience when data is not 100% inclusive or reliable; and
- Reviewing actuarial consulting work of colleagues.

The director issued a request for evidence (RFE). The director requested that the petitioner provide, *inter alia*, evidence that the beneficiary: (1) possesses specialized knowledge; (2) has been employed abroad by a qualifying organization in a position that was managerial or executive or involved specialized knowledge; and (3) will be employed in a specialized knowledge capacity in the United States.

In response to the RFE, the petitioner submitted letters from the U.S. petitioner and the foreign entity, payroll records demonstrating the beneficiary's continuous employment abroad, excerpts from the petitioner's website, and information regarding the various modules utilized by the beneficiary.

The petitioner's letter in response to the RFE restated most of the duties previously outlined in the initial letter of support that accompanied the petition. The petitioner reiterated that there are only a limited number of individuals within the petitioner's ranks that possess the specialized knowledge required to prepare the complex bidding submissions for the petitioner's clients. The petitioner also claimed that the beneficiary "has been involved in developing additional cutting-edge proprietary actuarial models [for the petitioner] to assist healthcare insurers price their healthcare insurance products and portfolios more efficiently and to address other significant changes in the health insurance industry." The petitioner stated that "[e]ach year [the petitioner] provides more than 15-20 hours of advanced training to [the beneficiary] and his small group of team members with regard to the use of various proprietary [company] actuarial tools and technologies, changes to various Medicare regulations and requirements, CMS bidding requirements, quality assurance techniques and related topics."

In a letter dated February 19, 2013, [REDACTED] provided information pertaining the internal training the beneficiary has received since the commencement of his employment. According to [REDACTED] the beneficiary has received "extensive internal training" over the past four years in addition to working remotely to file bids for Medicare Advantage plans on behalf of the company's U.S.-based clients. [REDACTED] claims that individuals outside of the petitioner and its subsidiaries cannot acquire knowledge of its proprietary tools such as [REDACTED], etc. because these tools were created and only used internally. She again reiterates that "only a select group of hand-picked individuals" within the petitioner's company receive this training.

In her letter, [REDACTED] indicated that the beneficiary completed or would complete the following training:

1. Medicare Part D Training – Basic Concepts and Bid Forms (02/26/2013)
2. Medicare Part D Tools Training (02/28/2013)
3. [REDACTED] Training (03/07/2013)
4. Medicare Tools Training (2012)

The petitioner also submitted examples of various internal and proprietary Medicare bidding training modules it claims the beneficiary has completed, but provides no explanation with regard to the manner in which these modules are utilized.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he has been employed abroad or would be employed in the United States in a capacity requiring specialized knowledge. In denying the petition, the director found that, based on the evidence submitted, it cannot be concluded that the beneficiary, as a result of his knowledge, education, training, and employment with the foreign entity, has knowledge or experience in the field of actuarial analysis that is significantly different from that possessed by similarly employed workers in the petitioner's industry. The director found that the petitioner failed to demonstrate that knowledge of its organization's processes and methodologies is specialized knowledge. The petitioner stated that the beneficiary acquired a high level of company specific expertise by virtue of his four years employment with

the foreign entity, his training, experience, and personal initiative; however, the director found that, although requested by USCIS, the petitioner failed to provide any supporting documentation that establishes the beneficiary's completion of any company training, such as the content of the course, duration, completion dates, and the number of employees enrolled in each course.

The director observed that, according to the Department of Labor's *Occupational Outlook Handbook* (OOH), the duties of the beneficiary's position abroad reflect the same or similar duties of Actuaries or related occupations working in the actuarial field. The director found that the petitioner failed to submit sufficient evidence to establish that the beneficiary's position abroad involves a special or advanced level of knowledge in the actuarial field.

In denying the petition, the director found that there is no evidence on record to suggest that the processes pertaining to the petitioner's organization are different from those applied by any Actuarial Analyst or similar position working in the same industry. The director further found that an assertion that the beneficiary possesses knowledge of the petitioner's products, tools, and processes does not amount to specialized knowledge. The director emphasized that while individual companies will develop methodologies, products, processes, and procedures tailored to their own needs, it has not been established that similarly employed persons in the field could not readily acquire such company-specific knowledge.

On appeal, counsel for the petitioner contends that the beneficiary possesses specialized knowledge based on his experience, training and work product with the foreign entity. Counsel further asserts that these elements, coupled with the beneficiary's involvement as part of a limited team which utilized the petitioner's proprietary tools to perform complex actuarial analysis, clearly establishes the beneficiary's eligibility in this matter.

B. Analysis

Upon review, the petitioner's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge or that he has been or would be employed in a position that requires specialized knowledge.

In order to establish eligibility, the petitioner must show that the beneficiary 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.

In the present case, the petitioner's claims are based on the first prong of the statutory definition, asserting that the beneficiary has a special knowledge of the company's products and their application in international markets. The petitioner claims that the beneficiary is one of only a limited number of individuals with special knowledge of the petitioner's proprietary and internal processes and tools utilized to prepare and submit Medicare Advantage bids on behalf of its clients.

In examining the beneficiary's specialized knowledge and whether the offered position requires 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 has not shown that the beneficiary possesses a level of knowledge that is specialized or advanced. The beneficiary had been employed by the petitioner's [REDACTED] for approximately four and one half years at the time the petition was filed, performing similar duties as those he will perform in the United States. The petitioner indicates that the beneficiary's knowledge of its proprietary tools and processes, such as [REDACTED], along with his knowledge of the bidding process, distinguishes his knowledge from that possessed by other employees at the company and in the industry. However, the petitioner has not demonstrated how this knowledge sets the beneficiary apart from any other individual in the same or similar position within the company or the industry. Although the petitioner repeatedly claims that the beneficiary is one of only a select number of individuals to possess this special knowledge, the petitioner provides no details regarding the actual number of actuarial analysts participating in preparing bids for Medicare Advantage plans to the CMS.

The petitioner indicates that it has 136 employees in its [REDACTED] health practice alone, and it indicated that, company-wide, it prepares more than 5,000 CMS bids for U.S. healthcare clients annually. The petitioner stated the [REDACTED] office where the beneficiary works employs 14 workers and provides services to clients in Southeast Asia, while also supporting the U.S. operations. The beneficiary may in fact be one of few employees in [REDACTED] trained in the CMS bidding process. However, there is no way for the AAO to determine that the beneficiary's knowledge and duties are different or more complex than his coworkers or other actuaries employed in similar positions either by the petitioner or within the petitioner's industry. Merely asserting that the beneficiary is one of a "select few," without providing evidence to support this claim, will not suffice. 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 OOH indicates that "[a]ctuaries' work is essential to the insurance industry," thereby suggesting that the work performed by the beneficiary is standard within the petitioner's line of business. See U.S. Dep't of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook*, 2012-13 ed., "Actuaries," <http://www.bls.gov/ooh/Math/Actuaries.htm#tab-2> (last visited Dec. 30, 2013). The OOH further indicates that most actuarial work is done with computers, and that actuaries typically use database software to compile information. In order to forecast the cost and probability of an event, they will use advanced statistics and modeling software. *Id.* According to the petitioner, the beneficiary's primary duties involve the utilization of its proprietary tools and databases.

Therefore, one question before the AAO is whether the beneficiary's knowledge of and experience with the petitioner's proprietary tools and methodologies, by itself, constitutes specialized knowledge. The AAO notes that the current statutory and regulatory definitions of "specialized knowledge" do not include a requirement that the beneficiary's knowledge be proprietary. Cf. 8 C.F.R. § 214.2(l)(1)(ii)(D) (1988). However, the petitioner might satisfy the current standard by establishing that the beneficiary's purported specialized knowledge is proprietary, as long as the petitioner demonstrates that the knowledge is either "special" or "advanced." By itself, simply claiming that knowledge is proprietary will not satisfy the statutory standard.

Here, the petitioner has not established how its internal tools and databases used in the Medicare Advantage bidding process differ from similar tools utilized by other individuals engaged in actuarial analysis in the insurance industry, and therefore has not established that knowledge or these tools rises to the level of specialized or advanced. The petitioner has failed to demonstrate that the beneficiary's knowledge and experience within the company rises to the level of specialized knowledge.

The petitioner states that the beneficiary will be the one of the only employees in the United States in the specialized knowledge position. The petitioner indicated that the beneficiary possesses a unique knowledge of its various bidding tools and databases that qualify him for the specialized knowledge position in the United States. However, the petitioner has provided little to no evidence or other information relating to the beneficiary's education or training. For example, the letter from [REDACTED] provided an overview of the beneficiary's training, which listed four courses: (1) Medicare Part D Training – Basic Concepts and Bid Forms, to be completed on 02/26/2013; (2) Medicare Part D Tools Training, to be completed on 02/28/2013; (3) [REDACTED], to be completed on 03/07/2013; and (4) Medicare Tools Training, completed in 2012.

The petitioner has not provided any information related to this training, such as its nature and duration, nor has the petitioner indicated what certifications or qualifications are bestowed on the beneficiary as a result of its completion. Based on the date of [REDACTED] letter, three of the four training courses were to take place in the future. While she mentioned that the beneficiary had undergone extensive training during the four previous years, the record contains no evidence of this training. Again, 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. at 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

There is likewise no indication as to how many of the beneficiary's colleagues were offered and/or completed this training. The petitioner indicates that it prepares 5,000 CMS bids annually, so it is reasonable to believe that it has a significant workforce allocated to providing these services. Most importantly, as noted, three of the four training courses listed were to be completed subsequent to the filing of the instant petition, which was received by USCIS on February 21, 2013. It is unclear how the beneficiary, at the time of filing, was one of only a select number of individuals with specialized knowledge of the petitioner's proprietary and internal processes if he had not even completed such training at that time. The petitioner must establish eligibility at the time of filing the nonimmigrant visa petition. 8 C.F.R. § 103.2(b)(1). 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).

Although the petitioner claims that the beneficiary received Medicare Tools Training in 2012, it submitted little to no information with regard to this training. It appears that most actuaries working in the health insurance industry would be required to possess general if not specific knowledge of the Medicare system, thereby rendering this claim of specialized training less than persuasive in establishing that the beneficiary possesses specialized knowledge.

The lack of documentation establishing the beneficiary's completion of a specialized course of training prior to the filing of the petition is significant, since the record does not demonstrate that the beneficiary possesses education, training, or experience that rises to the level of having acquired specialized or advanced knowledge. Although the petitioner claims that the beneficiary's educational background, i.e., a bachelor's degree in financial engineering, contributes to his specialized knowledge, it has not claimed that a bachelor's degree in a finance-related field is uncommon among actuaries or suggested that this degree conveyed any specialized knowledge specific to the company's internal systems and processes.

Other than its assertions that the beneficiary is one of a select few individuals with specialized knowledge of its tools and databases, the petitioner has not adequately demonstrated how the beneficiary possesses a level of knowledge that is specialized or advanced. The petitioner has not submitted any evidence of the knowledge and expertise required for the beneficiary's position abroad and in the United States that would differentiate that employment from the position of actuary or actuarial analysis in the health care sector either within the company or at other employers within the industry.

Additionally, in response to the RFE, the petitioner claims that the beneficiary was involved in developing "cutting-edge" proprietary actuarial models for the petitioner to assist its clients. However, the petitioner submits no evidence to support this claim. The petitioner does not identify the name of the process or specific details regarding their creation or implementation, nor does it submit any evidence that such models have been created by the beneficiary or the type of tools and skills needed to complete such projects. Again, simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998). 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 description of the beneficiary's duties abroad is essentially the same as his proposed duties in the United States. The fact that the beneficiary has worked at the foreign entity for over four years, but only received formal bid-specific training beginning in 2012, does not support the petitioner's claim that the beneficiary possesses specialized or advanced knowledge. The petitioner also claims that the beneficiary's role as one of only a limited number of individuals with knowledge of its internal tools and databases demonstrates that he possesses specialized knowledge and that his position abroad involves specialized knowledge, but the petitioner has failed to provide sufficient evidence to establish that the beneficiary's level of knowledge is specialized or advanced.

Therefore, although the petitioner asserts that the beneficiary's positions in the United States and abroad require specialized knowledge, the petitioner has not sufficiently articulated or documented its claims. Other than submitting a description of the beneficiary's current and proposed job duties, and a training history where the majority of training was completed subsequent to the filing of the petition, the petitioner has not identified any aspect of the beneficiary's position which involves knowledge of the petitioning organization's product, service, research, equipment, techniques, management, or other interests that rises to a level that is special or advanced. The petitioner has not submitted any evidence of the knowledge and expertise required for the beneficiary's position that would differentiate that employment from the same or similar position at other employers within the industry. The petitioner's claim that the knowledge is proprietary, in reference to its internal tools and databases, must be accompanied by evidence establishing that the beneficiary possesses knowledge that is different from what is generally possessed in the industry; any claimed proprietary knowledge must still be "special" or "advanced." Again, simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165.

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. at 376. In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.*

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

III. CONCLUSION

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.