U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: MAR 2 4 2014 Office: CALIFORNIA SERVICE CENTER

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:

SELF-REPRESENTED

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, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed the nonimmigrant petition 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 is an Illinois corporation established in 1988 that is engaged in the provision of quality assurance equipment for the production of food, drink and healthcare products. The petitioner states that it is as wholly owned subsidiary of located in Germany. The petitioner seeks to employ the beneficiary in a specialized knowledge capacity as a marketing coordinator for a period of two years.

The director denied the petition, concluding that the petitioner failed to establish that: (1) the beneficiary's employment abroad was in a position involving specialized knowledge, (2) that the beneficiary possesses specialized knowledge, and (3) that the beneficiary's proposed position in the U.S. would be 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, the petitioner states that the director did not give proper consideration to the special knowledge required for the beneficiary's position.

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.
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> (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training and employment qualifies him/her to perform the intended services in the United States; however the work in the United States need not be the same work which the alien performed abroad.

II. The Issue on Appeal

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

A. Facts

The petitioner states that it is the technological leader in providing quality assurance equipment for the production of food, drink and healthcare products, including innovative automation solutions, high performance labeling machines, and sorting and rejection systems. The petitioner indicates that it employs 26 people in the United States and that it had $6,991,432 in sales during the previous fiscal year.

In the Form I-129 Petition for a Nonimmigrant Worker, the petitioner described the beneficiary's duties in her position abroad as follows:

> Beneficiary was involved in the implementation of a new internal e-mail archive, internal workflow involving exhibition devices and the introduction of new software. Workshops, introductory lectures, creating help document[s] and meetings are a part of her daily work. She is also responsible for a database that covers device management, contract management, dispatch and service department. This database was released four years ago and she has managed the database since it was first introduced. She is responsible for the administration, support and improvements to this database. She has been involved with the database's development and is knowledgeable about the reasons for creating the database. She is familiar with internal structures and workflow, internal rules, the devices and developments. She can start to work at [the petitioner] without having to learn about the company's structure and processes.

The petitioner further indicated in the petition that a similar database was being created for the U.S. subsidiary and that the beneficiary would "present the new database with necessary background documentation and therefore can communicate with the user and the technical department about changes and improvements." The petitioner stated that the beneficiary was responsible for introducing new policies and implementing them into the database, which was developed and maintained by the technical department located at the parent company in Germany.

The petitioner also submitted a support letter from the foreign entity's organization manager, who stated that the beneficiary "works as an assistant to the company organization since October 2009." The foreign entity stated that the beneficiary's job involves "the support and improvement of a database and the development and realization of new internal workflows." The letter further stated that the beneficiary's duties include developing new rules and attending to implementation of company databases, observing existing workflows and creating further improvements, attending weekly meetings to discuss new ideas, structures and software, covering the administration, support and helpdesk responsibilities relevant to the company's workflow database, performing inventory relevant to second hand machinery, and presenting new structures through lectures, workshops and help documents. Finally, the foreign entity's letter indicates that the beneficiary uses her knowledge of English and French, Microsoft Office, Libre Office, Microsoft Windows and data structures to perform her daily work.

The petitioner also submitted a document describing the proposed duties and requirements for the proffered position of marketing coordinator, noting that the purpose of the position is "[t]o introduce and train [the petitioner's] employees on a new database created by [the German parent company] that will enable employees to administer and record customer information, plan maintenance and control projects." The duties of the position are described as follows:

I. Training on Internal Database- 95%
   - Present and train employees on new company wide database software that covers device management, contract management, parts, dispatch and service department.
   - Create internal structures, workflow, internal rules regarding device and developments.

- Determine which improvements are possible and which will interfere with existing structures

IV. Other Duties- 5%

- Convert current database to new database, work out bugs
- Communicate problems to the technical department at [the foreign entity]
- Implement improvements to database
- Attend staff meetings and training presentations/seminar as required by General Manager.

The petitioner stated that the position requires a bachelor's degree in business administration or marketing, five years of experience in marketing, oral and written communication skills, experience with Microsoft Office, and the ability to type 60 words per minute.

The director found the initial evidence submitted by the petitioner insufficient to establish that the beneficiary possesses specialized knowledge or that she has been or would be employed in a capacity requiring specialized knowledge. Consequently, the director issued a request for additional evidence (RFE) listing evidence the petitioner could submit to establish that the foreign entity employs the beneficiary in a position requiring specialized knowledge, including a more specific description of the beneficiary's duties abroad, an indication of why others in the company have not acquired the special or advanced knowledge of the beneficiary, and an explanation of how the knowledge of the position is different from other marketing coordinators employed by the company or others in similar positions in the industry.

Further, the director requested additional evidence to establish that the beneficiary possesses specialized knowledge. The director suggested that the petitioner submit evidence to demonstrate the beneficiary's asserted educational experience including degrees, transcripts and a supervisor letter detailing the beneficiary's training or experience with the company. The director further suggested that the petitioner submit a description of the specialized knowledge obtained by the beneficiary through education, training and employment. Specifically, the director explained that the petitioner should indicate the amount of time required to acquire the claimed specialized knowledge, indicate whether the knowledge was held by others in the organization, and whether the knowledge could be easily transferred or taught to another individual. The director also asked that the petitioner provide documentation demonstrating any specialized training completed by the beneficiary.

Furthermore, the director stated that the petitioner should submit the following to establish that it will employ the beneficiary in a specialized knowledge capacity: (1) a detailed description of the beneficiary's duties, (2) the product, tool, process or procedure the beneficiary will use for each duty and whether this is used by other employers in the United States or abroad, (2) the minimum time required to perform the duties of the position including training and actual experience, (3) how the knowledge will be applied in the international markets or how the beneficiary's knowledge represents advanced knowledge of the company's procedures or processes, and (4) how the beneficiary's knowledge is different from those of other workers employed by the company or other in similar positions in the industry.

In response, the petitioner submitted an additional support letter from the foreign entity's organization manager, in which he further described the beneficiary's experience:

> When first hired at [the foreign entity] [the beneficiary] worked at the technical department for three months. There she learned to assess the structures and processes from a technical point of view. It is part of her duties to estimate new ideas and new workflows from a technical point of view. She also has to support the databases used at [the foreign entity] and so it is essential to know about the technical aspects. To get to know the work in the departments and the colleagues she often was part of the departments and got an impression of the internal structures, rules and processes. She is in contact with the departments at [the foreign entity] constantly.
>
> She is involved in regular meetings discussing about the improvement of existing structures, the introduction of new ones and overall changes concerning the company and the subsidiaries.
>
> She has experience in leading a meeting, to create and give lectures to the whole company, supporting new structures and mange an [*sic*] helpdesk. Daily telephone calls, meetings and discussions are part of her work.
>
> She is responsible for the support and improvement of the database and in refining the existing structures. Because she is always in contact with the users she needs to be aware of new ideas or demands for new structures.
>
> [The beneficiary] is the only one working at this position at the moment. She has knowledge about the internal structures and knows about the marketing strategies used at [the foreign entity].

The petitioner provided a copy of the beneficiary's contract of employment with the foreign entity dated October 1, 2009, which states that she was hired in the position of "assistant data management/company organization."

The petitioner additionally provided a letter from the beneficiary describing her experience and job duties. The beneficiary stated that the she is the only employee with the company holding knowledge of the company databases utilized to manage the foreign entity's daily operations. The beneficiary indicated that these databases are specifically adapted to the company's "structures, workflows, and processes," that it was created by the company technical department, and unique to the company. The beneficiary stated that she has been involved in "creating new processes and workflows, developing the database and creating ideas," since beginning employment with the foreign employer in 2009. The beneficiary further asserted that 40% of her work involves working on the databases, including her "need[ing] to have knowledge about the databases [the foreign entity] uses, about the database history, the structure and possible technical implications." The beneficiary explained that 60% of her duties involved working with the company's "workflows." The beneficiary articulated that these duties included, "meetings about already existing structures, the controlling, the improvements, the

creation of new structures, the implementation of these and support." The beneficiary also stated that no other employee "outside the technical department" had equivalent training and noted that she exclusively handles the "development of new ideas, the communication to employees and customers and the integration of new structures." The beneficiary asserted that it would take at least eighteen months "to get to know the different departments and their work, their workflows and their structures."

The beneficiary further explained her proposed duties in the United States as follows:

> I already visited the company in the US, met the employees and talked about the existing structures. I took a look at the existing documents, what marketing strategies were used, which ones were successful and which ones were not. The General Manager and I talked in general about new ideas for the company and what the company wants to achieve in the next years. New marketing strategies have been discussed, what American customers like, what potential new customers may like and how the company can improve its position in the American market.
>
> The duties the marketing coordinator has to work on are to manage trade shows which will cover 25% of the daily work. I already worked at preparing trade shows and I know the workflow at [the petitioner] from preparations in the database to the organization of a booth, the right products, etc. Even when the trade show is in the US, [the petitioner] always needs to talk to [the foreign entity] about the products they want to show. To teach someone this knowledge would require sending someone to Germany to be part of the show preparation. This would cost time and is a financial burden. The marketing work will cover 70% of the daily work. I have knowledge of the products, about the customers and which customer already has or needs what product. The marketing strategies [the petitioner] uses are well known to me and are based on the [foreign entity] structures. Because I am part of the structures' creation, I know the strategies, origin and can react to any changes made to internal structures.
>
> 25% of the daily work covers other duties which will vary. In the beginning of my work at [the petitioner] this 25% would contain the implementation of a new database which is very similar to the one I am already working on at [the foreign entity] in Germany. In Germany I am the only one who controls and supports this database. This kind of knowledge can only be learned through experience. I have worked on this database since the beginning of my employment. There are a lot of changes the technical department and I made in the last four years and it is very difficult to teach them to someone new if you were not part of the development process. To really understand this kind of process and to decide if a new process is beneficial for the whole company, you have to know about the structures at [the company] and how every department works. I already started getting to know the database for [the petitioner], I can immediately start to integrate the database at

> [the petitioner] and can support the daily tasks over a longer period which are very important to understand the database.

Lastly, the petitioner provided degree information for the beneficiary indicating that she received a Bachelor of Science degree in business administration in 2010 from in Germany.

The director ultimately denied the petition, concluding that the petitioner had failed to establish that the beneficiary possesses specialized knowledge or that she has been or would be employed in a capacity requiring specialized knowledge. In denying the petition, the director stated that the petitioner's duties were the same, if not similar, to those listed for a database administrator in the Department of Labor's Occupational Outlook Handbook (OOH) thereby suggesting that the beneficiary's knowledge is not sufficiently special or advanced. The director also indicated that the petitioner had not demonstrated that the company's processes were materially different from others utilized by similar employers in the industry.

On appeal, the petitioner states that the director did not give proper consideration to the special knowledge required for the position. The petitioner contends that the beneficiary has received very specific training "on a highly technical and large company product line" and asserts that it cannot find any other employees in the United States with the knowledge and skills of the beneficiary. The petitioner emphasizes that the beneficiary acts as a point person for their database system which tracks and manages order processing, order cancellations, special changes to contracts, invoices and services. The petitioner reiterates that the beneficiary is the only one with specific knowledge of the database and states that she is the point person for user changes and technical issues. The petitioner also notes that the beneficiary has been involved in every development and change to the system since 2009 and that her expertise is required to implement the database at the U.S. subsidiary.

B. Analysis

Following a review of the petitioner's assertions and the evidence submitted, the petitioner has not established that the beneficiary possesses specialized knowledge or that she will be employed in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

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.

In order to establish eligibility, the petitioner must show that the individual's prior year of employment abroad was in a position involving specialized knowledge. 8 C.F.R. § 214.2(l)(3)(iii). 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's knowledge satisfies either prong of the definition.

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. 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.

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 advanced or special, and that the beneficiary's position requires such knowledge.

The petitioner has provided little detail regarding the beneficiary's day-to-day duties both abroad and in the United States. Reciting the beneficiary's vague job responsibilities or broadly-cast business objectives is not sufficient; the regulations require a detailed description of the beneficiary's daily job duties. The majority of the beneficiary's duties, pursuant to her capacity abroad and in the United States, are too general to establish the nature of the actual tasks the beneficiary performs and will perform in the United States.

For instance, the beneficiary's duties abroad are centered upon her responsibility for the foreign entity's databases, also the basis of her asserted specialized knowledge. However, the petitioner has failed to describe the databases and their functionality in a detailed fashion. The petitioner only vaguely states that "[the beneficiary] is responsible for a database that covers device management, contract management, dispatch and service department." The petitioner states that the beneficiary has been involved with the development and creation of the database, and coordination with different departments within the company to increase the functionality of the database. However, the petitioner has not provided any examples of developments or innovations brought forth by the beneficiary even though the petitioner claims that the beneficiary has been has been working with the databases creation since 2009 and that she was originally responsible for the creation. Furthermore, the petitioner states that 60% of the beneficiary's duties abroad are devoted to "working on the company workflows" and "marketing duties," but no specific examples of workflows or marketing duties are proffered. Likewise, the petitioner explains that 40% of her time is devoted to "working on the databases," work involving company "structures," "technical implementations" and coordination with users and the technical department. However, again, details or specific examples of daily activities that make up these general duty categories are provided.

Additionally, the beneficiary's proposed duties in the United States are also vague, similarly noting that the beneficiary will be engaged in "marketing work," "managing trade shows," and "the implementation of a new database." In each case, the petitioner has not articulated specific marketing duties, strategies, trade shows, or explained specifically the proposed implementation of the database in the United States and its proposed functionality. In sum, the beneficiary duties abroad, and proposed duties in the United States, offer little insight into what the beneficiary will actually do on a day-to-day basis. Conclusory assertions regarding the beneficiary's employment capacity are not sufficient. The petitioner has failed to provide any detail or explanation of the beneficiary's activities in the course of his daily routine. Merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, 1997 WL 188942 at *5 (S.D.N.Y.).

Moreover, the petitioner's descriptions of the beneficiary's proposed U.S. duties contain material inconsistencies thereby leaving question as to whether and to what extent the offered position requires the beneficiary's claimed specialized knowledge. At the time of filing, the petitioner indicated that 95 percent of the beneficiary's time in the proffered position would be allocated to training employees on a company-wide database, creating structures, workflow and internal rules for the database, and making determinations regarding database improvements. The petitioner indicated that the beneficiary would spend the remaining 5 percent of her time on other database-related duties, and, significantly, no time on marketing duties.

In contrast, in response to the RFE, the beneficiary stated in her letter that 25 percent of her time the United States would be devoted to managing tradeshows, 70 percent to "marketing work," and 25 percent to "other duties that will vary," and which would initially include the implementation of the aforementioned database.

The petitioner provided no explanation as to why it submitted for review two completely different job duty descriptions and time allocations for the same position. While the petitioner initially suggested that the beneficiary is being transferred to the United States in order to utilize her specialized knowledge of the foreign entity's database, the beneficiary stated that she is being transferred to fill a position that is primarily comprised of marketing duties, with some initial responsibility to train U.S. employees on the company database. The aforementioned discrepancies leave question as to the beneficiary's proposed capacity and her asserted specialized knowledge. 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. Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

In the present matter, the petitioner has also not sufficiently articulated the nature of the beneficiary's specialized knowledge or corroborated it with supporting evidence. The petitioner vaguely states that the beneficiary's specialized knowledge is based in unique and internally developed company databases, but the petitioner has not explained how the databases were developed, their specific

functionalities, or software and technology utilized to effectuate these databases. The petitioner generally describes that the databases cover "device management, contract management, dispatch and service department." However, the petitioner failed to submit any documentation to support the existence of the databases or the beneficiary's asserted specialized knowledge in these systems. Indeed, it is not possible to discern exactly the functions that the company databases perform based on the petitioner's explanations and submitted evidence. Again, 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.

Furthermore, the petitioner did not provide any basis for comparing its databases utilized by other companies in the industry as necessary to demonstrate their special and advanced nature, nor has the petitioner compared and contrasted the beneficiary's knowledge against others in the company to demonstrate the special and advanced nature of her knowledge. As previously noted, 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. In the present matter, a comparison of the petitioner's technology against that of other similarly placed company's in the industry would be especially probative. This reasonably presumes that most companies have internal processes, including databases or software, which facilitate and track ordering, contracts, shipping, and other operational aspects. The petitioner has not offered any basis of comparison or articulated why its databases are special or advanced when compared to those utilized by similar organizations. It is not enough to simply state that the databases are internally developed or proprietary - the special and advanced nature of these databases must be established with specific and credible explanations and support evidence in order to establish that the beneficiary's knowledge of such databases qualifies as either special or advanced.

Likewise, the petitioner has failed to specifically compare the beneficiary's knowledge to that possessed by her colleagues to demonstrate its special or advanced nature. For example, the submitted U.S. organizational chart indicates that the beneficiary will have three sales engineers within her department, but the petitioner provides no descriptions of their duties, experience, or education, as suggested by the director in the RFE. Again, it is not sufficient to merely state that the beneficiary is the only one who possesses the claimed specialized knowledge; the petitioner's claims must be corroborated with supporting evidence. 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)).

Additionally, the petitioner states many times throughout the record that the beneficiary worked closely with "the technical department" to effectuate development, improvements, changes to information, and other user interface. Therefore, it is presumed that the aforementioned technical staff have knowledge of the database, its development, maintenance and that they have a higher level understanding of the functionality of the asserted databases. Indeed, the petitioner states that these technical employees were directly responsible for building, and now maintaining, the database from a technical perspective. The record also indicates that the databases are widely used within the foreign entity, as evidence by the references to its numerous "users." As such, the record suggests that

knowledge of the database is held by various others within the company, leaving question as to as whether the beneficiary's knowledge is special or advanced. Again, it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 591-92.

In conclusion, the petitioner has failed to provide a sufficient explanation of the beneficiary's duties or her asserted specialized knowledge. Further, the petitioner has failed to provide a consistent description of the nature of the beneficiary's proposed duties as a marketing coordinator and has not supported its claim that the position requires application of the beneficiary's claimed specialized knowledge. Although the petitioner repeatedly states that the beneficiary's knowledge of company databases is special and advanced, the petitioner failed to submit sufficient explanations or evidence to support these claims. 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.

Based on the foregoing, the petitioner has not demonstrated that the beneficiary possesses specialized knowledge or that she has been or would be employed in a specialized knowledge capacity. For this reason, the appeal will be dismissed.

III. Conclusion

The appeal will be dismissed for the above stated reasons. 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.