



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: **OCT 01 2014** OFFICE: CALIFORNIA SERVICE CENTER FILE: [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:

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 ("the director"), 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 Form I-129, Petition for a Nonimmigrant Worker (Form I-129) to classify the beneficiary as an intracompany transferee in a specialized knowledge capacity 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 a new U.S. branch office of a South Korean company, [REDACTED] which is qualified to do business in Michigan. The company is engaged in the manufacturing of automotive connectors for power and signal systems, power seat switches and related automotive components. The petitioner seeks to employ the beneficiary in the position of General Manager & Engineering Manager for a period of three years.<sup>1</sup>

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 evidence of record is sufficient to establish that the beneficiary possesses knowledge that is both special and advanced and that his current foreign position and proposed U.S. position require the application specialized knowledge. The petitioner submits a brief from counsel and copies of previously submitted evidence in support of the appeal.

### I. The Law

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

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

---

<sup>1</sup> Pursuant to the regulation at 8 C.F.R. § 214.2(l)(7)(i)(A)(3), if the beneficiary is coming to the United States to open or be employed in a new office, the petition may approved for a period not to exceed one year.

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.

\* \* \*

- (vi) If the petition indicates that the beneficiary is coming to the United States in a specialized knowledge capacity to open or to be employed in a new office, the petitioner shall submit evidence that:
  - (A) Sufficient physical premises to house the new office have been secured;

- (B) The business entity in the United States is or will be a qualifying organization as defined in paragraph (I)(1)(ii)(G) of this section; and
- (C) The petitioner has the financial ability to remunerate the beneficiary and to commence doing business in the United States.

## II. The Issue on Appeal

The sole to be addressed is whether the petitioner established that the beneficiary possesses specialized knowledge and whether he has been employed abroad, and will be employed in the United States, in a specialized knowledge capacity.

### A. Facts

The petitioner filed the Form I-129 on October 17, 2013. In a letter in support of the petition, counsel indicated that the petitioner was established in Michigan as a U.S. branch office of [REDACTED] in May 2013 and seeks to employ the beneficiary as its General & Engineering Manager. The petitioner was established to supply products such as console assemblies, fuse boxes and connectors to U.S. customers, to conduct periodic research and analysis, and to develop new markets for the parent company's main products. Counsel stated that the foreign entity was established in 1997 and has become a leading manufacturer in the field of automotive connectors and switches, with a substantial share of the Korean domestic market.

Counsel stated that the beneficiary joined the foreign entity in South Korea in August 2012 and currently serves as a Senior Research Engineer, leading ten engineers on the development of products for overseas export and dealing with quality issues and customers' technical requests. The petitioner submitted a detailed description of this position, noting that the beneficiary's main duty has been the design of electronic circuits for HVAC and power seat control switches according to customer requirements, working specifically with products that will be supplied to [REDACTED] and [REDACTED]. The petitioner submitted a lengthy list of the beneficiary's current duties, which are summarized below:

1. Duties of High Level Responsibility (10 hrs/wk)
  - Review RFQ and BOM: Review RFQ and BOM with R&D department for having competitiveness
  - Direct discussion with Customer for RFQ and BOM: Compromise the customer requirement.
  - EOL requirement: Draft set the EOL concept to meet customer quality requirements.
2. Develop, control and schedule new assembly model design project with major clients for the new product (10 hrs/week)

- Review the design concept of new model: Briefly review the design concept so that the foreign parent company can prevent from the similar failure previous project.
  - Check the whole steps of new project: Set draft schedule not to miss specific check point, procedure and document for each step.
3. Design, research and develop circuit by customer's demand. Verify the circuit performance with full electrical environmental test sets for the following customer's standard and specification. (10 hours/week)
    - As Senior Research Engineer, [the beneficiary] develops electronic circuit satisfying customer's demand and request with his staffs.
    - Assigns team members on proper position to review existing products, analysis for prior design fault and find the point or improvement.
  4. Make out document of possessing for PPAP (Product Part Approval Process) and prepare documents for each related approval step (6 hrs/week)
  5. Direct and coordinate quality control activities [for] customers abroad. (5 hours/week)

The petitioner also submitted the beneficiary's resume, in which he indicates that he has been involved with HVAC system circuit design and development, [redacted] program management, quality issue management, technical support, production support for the foreign entity's plant in the Philippines, and ISO14001 (Quality Certification) management. The beneficiary's previous work experience includes: three years as an assistant engineer in the research & development department at [redacted], where he performed circuit design and development for a train controller; eight months as a research engineer in the production department for [redacted] where he was involved in production and R&D management, circuit development for temperature controllers; and production scheduling and handling; and nearly two years of experience as factory production manager with [redacted] where he was responsible for factory management, production scheduling and handling, process analysis, [redacted] management, and training programs. The record reflects that the beneficiary has a master's degree in electronic engineering.

Counsel stated that the beneficiary joined the foreign entity with "specialized knowledge and skills in engineering development and production" as a result of his education and prior experience.

The petitioner submitted an organizational chart depicting the structure of the foreign entity's research and development department. The chart indicates that the beneficiary reports to a principal

---

<sup>2</sup> The petitioner submitted a distribution agreement entered into by the foreign entity and [redacted] in September 2009. The agreement indicates that [redacted] acts as the foreign entity's exclusive distributor in North America for all current and future products of [the petitioner].

research engineer and leads a team of eight associate research engineers and two engineers. The beneficiary's areas of responsibility are briefly listed as "electronic circuit design & development, scheduling & quality assurance for [REDACTED]"

With respect to the beneficiary's proposed role in the United States, the petitioner stated that the beneficiary, as general and engineering manager, will control and manage all of the petitioner's departments, including business policy, engineering and technical issues, applying "his specialized knowledge of technical management for the products." Counsel for the petitioner indicated that he will supervise and direct a technical & quality manager and a warehouse manager. The petitioner described the knowledge and background required for the position as follows:

Please be aware that owing to the distinct characteristics of the automotive industry, it needs three or four years' consecutive development period for one model launch from design concept to mass production. For the business operation at Petitioner, the manager should be equipped with the specialized knowledge on the current business status and specific automotive products of Foreign Parent Company. As Beneficiary studied and worked as LEAN engineer for getting best productivity with perfect matching of line balance and he is very familiar with Foreign Parent Company's business status and automotive products, he can manage and deal with all the technical engineering issues including the problem shooting and engineering change issues in the U.S.

The petitioner also provided a lengthy description of the beneficiary's proposed duties along with the percentage of time he will allocate to each area of responsibility. Briefly, the petitioner described his proposed duties as follows:

- Review and approve on various strategic plans in the business development and operation. (5 hrs/week – 10%)
- Approve operating budget and major financial transactions (2 hrs/week – 5%)
- Develop, control and schedule new assembly model design project with major clients for the new product. (10 hrs/week – 20%)
- Direct and coordinate quality control activities of automotive parts by interacting with R&D engineers in Korea. (10 hrs/week – 20%)
- Draft and review RFQ (Request for Quotation) with the foreign parent company to award a contract in highly competitive US automotive industry with immediate response. (10 hrs/week – 20%)
- Make out document of possessing for PPAP (Product Part Approval Process) and prepare documents for each related approval steps. (5 hrs/week – 10%)
- Liaise with the R&D Department of US automotive industry for transition of technology and improvement issues. Research US automotive market status for trend of sales and technology. Then report the result to R&D and Marketing in Foreign Parent Company to apply new technology and sales strategy. (5 hrs/week – 10%)

- Monitor product stock in customer warehouse and feedback to Foreign Parent Company to set production and shipping plan (5 hrs/week – 10%)

The petitioner also submitted a detailed schedule of the beneficiary's anticipated duties for the U.S. branch office's initial year of operation. The petitioner indicated that the beneficiary will be working on: [REDACTED] Program Management on the [REDACTED]; the [REDACTED] Charging Mat Program; [REDACTED] Program Management on [REDACTED] model; the [REDACTED] Program Management on [REDACTED] vehicle, and [REDACTED] Program Management on [REDACTED] model.

The petitioner provided a copy of the job listing for a quality engineer position within its [REDACTED], MI office. This position will analyze customers' project design specifications, attend technical and product development meetings, communicate with R&D engineers in Korea, review all quality issues and manage the response to U.S. customers' concerns, provide technical and engineering support; manage R&D engineers in Korea, U.S. engineers and direct changes to designs and/or materials based on testing data. The petitioner indicates that the position requires a bachelor's degree in engineering and a minimum of three years' experience in the automotive industry.

The director issued a request for evidence (RFE) on October 25, 2013. The director advised the petitioner that the initial evidence did not establish that the beneficiary possesses specialized knowledge, as it did not explain how the performance of the current and proposed duties requires the beneficiary to apply knowledge that is either special or advanced. In this regard, the director acknowledged that the petitioner submitted a lengthy description of the beneficiary's duties, but emphasized that the initial evidence did not clearly show that the performance of the current or proposed duties requires application of special or advanced knowledge, or compare and contrast the beneficiary's knowledge with that generally possessed within the company and by similarly employed workers in the petitioner's industry. The director provided a list of suggested evidence the petitioner could submit to establish eligibility and to corroborate its claims that the beneficiary possesses, and that his proposed position requires, specialized knowledge.

In response to the RFE, counsel for the petitioner submitted a lengthy letter which included the following explanation of how the beneficiary's knowledge is distinguished from that possessed by other similarly-employed workers in the company:

Please understand that Beneficiary has the position with knowledge which is 'special' and 'distinguished' since the other engineers in the 'Research & Development Department' have only the factional/partial/split technology and technique for Foreign Parent Company's automotive components. For example, a normal 'circuit design engineer' at Foreign Parent Company can only deal with the part of 'the circuit design', which is limited into the small faction of the Foreign Parent Company's products. Whereas, Beneficiary have [sic] the comprehensive and detailed knowledge in areas of almost all 'research and development' such as 1) Request for

Quotation; 2) Design Specification Initialization; 3) End of Line; 4) Electronic/Electric Circuit Design; and 5) Program Scheduling Technique.

Moreover, Beneficiary has the knowledge on 'Quality Insurance Technique' which consists of 'Product Part Approval Process' and 'Root Cause analysis & Reaction Plan' in order to proceed with the automotive components' production and cope with any defective products. Lastly, Beneficiary engages in the job of continuous improvement activities by the application of production and operation control technique.

With one more step, please note that Beneficiary has the position with knowledge which is 'advanced' since he has been providing highly developed and complex technology and technique for the automotive components and connectors. In reality, at Foreign Parent Company, there is no other engineer who can provide the quality of technology and technique as Beneficiary usually does. This is possible because Beneficiary, at first, has been equipped with the expertise in the electrical and electronic circuit design with established specialized skills and knowledge of the automotive and vehicles' components industry through his educational background and diverse work experiences. In addition, very rarely, Beneficiary has been exposed to the circumstances where he could have the rare opportunity to be responsible for dealing with the overall process of the manufacturing, production and operation control as well as intensified circuit design via this unusual working experience. Please refer to Beneficiary's resume. As a result, Beneficiary accumulated the knowledge and skills for Quality Assurance, Production Control and Program Scheduling Technique in addition to his research and development related with specialties and knowledge.

Counsel went on to provide further explanation of the beneficiary's duties associated with requests for quotations, End of Line (EOL) tests, electronic/electric circuit design, and program scheduling techniques. Counsel emphasized that "as Beneficiary studied and worked as LEAN engineer for getting best productivity with perfect matching of line balance and he is very familiar with Foreign Parent Company's business status and automotive products, he can manage and deal with all the technical engineering issues including the problem shooting and engineering change issues in the U.S." Counsel also emphasized the beneficiary's experience with quality assurance techniques and procedures, including the Product Part Approval Process and Root Cause Analysis and Reaction Plans. Counsel stated that "the job of root cause analysis requires a professional employee who can understand all of the process for production, inspection, release of the items and the employee should have the capability to cooperate with other departments with specialized knowledge to analyze the issue and cause of the defective products."

In addition, counsel stated that the minimum amount of time required to obtain the knowledge that the beneficiary possesses is "at least more than seven years' college education" in addition to "more than seven years' actual field experience" to obtain the beneficiary's knowledge of electronic and

electric circuit design. Counsel further stated that the beneficiary's knowledge of RFQ, design specification initialization, EOL testing and program scheduling techniques requires at least two years' college education and more than four years of field experience, while the requisite knowledge of quality control techniques requires two years of college and three years of field experience to attain. Finally, counsel stated that the knowledge the beneficiary possesses of production and operation control technique requires one year of college education and four years of actual field experience. As such, counsel asserted that the beneficiary's knowledge could not be easily transferred or taught to another individual. Counsel provided more detailed position descriptions of the beneficiary's duties with his previous Korean employers and indicated specifically that he gained much of his knowledge of higher-level circuit design, quality assurance, production control, and program scheduling techniques with prior employers.

Counsel also provided more specific information regarding the beneficiary's current role with the foreign entity. Specifically, counsel noted that the beneficiary is "wholly responsible for dealing with all kinds of technical issues and supplying Foreign Parent Company's automotive components and technical service with U.S. business partner, [REDACTED]" a primary supplier for U.S. automobile manufacturers. Specifically, the beneficiary has been "responsible for the circuit design and making charging mattress or battery charger for wire-less cellular phone embedded in the vehicle which usually is applied to the lots of vehicles of [REDACTED]" and thus counsel asserted he would be required to apply his specialized knowledge in international markets.

Counsel stated that the beneficiary's current position is unique and there are no other employees at the parent company or in the United States who have the same or similar knowledge. In support of the RFE, the petitioner submitted: (1) an RFQ presentation prepared by [REDACTED] engineering in [REDACTED] for the [REDACTED] Integrated Center Stack (ICS) Assembly, for ICS Audio/HVAC and Vehicle Feature Controls; (2) a [REDACTED] Parts Inspection Process Flow (EOL Inspection Proposal), prepared by the foreign entity in October 2013; (3) a "Puck Lamp" circuit schematic; (4) a [REDACTED] document outlining milestones to be reached during the 46-week development program; (5) a control plan for the [REDACTED] Front Cover prepared by the beneficiary; (6) a reaction plan for a "Center Button Wobble" issue on the [REDACTED] part; and (7) a Process FEMA (Potential – Failure Mode & Effect Analysis) document for the [REDACTED] Front Cover which identifies the core team for this product and includes the signatures of a project manager, production manager, quality assurance manager, manufacturing technique manager, design manager, mold manager and quality control manager. The beneficiary's name did not appear on this document. The petitioner also submitted a letter from the beneficiary's supervisor at the foreign entity, but this letter did not contain any information that was not included in counsel's letter.

The petitioner submitted a second letter from the beneficiary's current supervisor, a principal research engineer. He emphasized the beneficiary's role in the development of a seat switch, HVAC system, and wireless charger for U.S. automobile manufactures in cooperation with the petitioner's U.S. business partner [REDACTED]

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. In denying the petition, the director acknowledged that the petitioner submitted a description of the beneficiary's duties and his knowledge of research and development, quality assurance techniques, and production and operations control techniques. However, the director found that the petitioner did not establish that the beneficiary's duties are different from other similarly-employed engineers in the beneficiary's field. The director further emphasized that the beneficiary has been employed by the foreign entity for only 14 months and therefore it is unclear how long it would actually take for someone to acquire specialized knowledge of the foreign entity's engineering processes and research and development efforts. The director noted that the petitioner did not claim that the beneficiary had completed any training before assuming his current role as senior research engineer with the foreign entity and determined that whatever company-specific knowledge the beneficiary possesses could be readily transferred to a similarly-experienced worker with the appropriate engineering background in the petitioner's industry.

On appeal, counsel for the petitioner asserts that the beneficiary possesses specialized knowledge of the foreign entity's tools, processes, techniques and technologies based on his employment abroad, and indicates that both the foreign and U.S. positions require this specialized knowledge. Counsel asserts that the beneficiary "has proven expertise in electrical and electronic circuit design with established specialized skills and knowledge of the automotive and vehicles components industry through his educational background and work experiences" and that he "has the newest technology and knowledge in automotive and electrical and electronic circuit design areas since he engaged in development of the automotive parts for more than fifteen (15) years including more than seven (7) years education in those relevant fields." Counsel states that a "normal" circuit design engineer could perform circuit design duties, but "cannot deal with 'Request for Quotation,' or 'Program Scheduling Technique,' not to mention the techniques such as 'Quality Insurance Technique' or 'Production Control Technique.'"

Counsel emphasizes that the beneficiary, as a result of his education and "unusual working experience" accumulated the specialized knowledge and skills needed for quality assurance, production control and program scheduling in addition to circuit design expertise.

#### B. Analysis

Upon review, the petitioner has not established that the beneficiary possesses specialized knowledge or that he would be employed in the United States in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(1)(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(1)(3)(ii). The statutory definition of specialized knowledge at Section 214(c)(2)(B) of the Act is comprised of two equal but distinct subparts or prongs. First, an individual is considered to be employed in a capacity involving specialized

knowledge if that person "has a special knowledge of the company product and its application in international markets." Second, an individual is considered to be serving in a capacity involving specialized knowledge if that person "has an advanced level of knowledge of processes and procedures of the company." *See also* 8 C.F.R. § 214.2(l)(1)(ii)(D). The petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

USCIS cannot make a factual determination regarding the beneficiary's specialized knowledge if the petitioner does not, at a minimum, articulate with specificity the nature of the claimed specialized knowledge, describe how such knowledge is typically gained within the organization, and explain how and when the beneficiary gained such knowledge. Once the petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence which establishes whether or not the beneficiary actually possesses specialized knowledge. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.*

As both "special" and "advanced" are relative terms, determining whether a given beneficiary's knowledge is "special" or "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others in the petitioning company and/or against others holding comparable positions in the industry. The ultimate question is whether the petitioner has met its burden of demonstrating by a preponderance of the evidence that the beneficiary's knowledge or expertise is special or advanced, and that the beneficiary's position requires such knowledge. All employees can be said to possess unique skill or experience to some degree; the petitioner must establish that qualities of its processes or products require this employee to have knowledge beyond what is common in the industry.

Turning to the question of whether the petitioner established that the beneficiary possesses specialized knowledge and will be employed in a capacity requiring specialized knowledge, upon review, the petitioner has not demonstrated that this employee possesses knowledge that may be deemed "special" or "advanced" under the statutory definition at section 214(c)(2)(B) of the Act, or that the petitioner will employ the beneficiary in a capacity requiring specialized knowledge.

In examining the beneficiary's claimed specialized knowledge, the AAO will look to the petitioner's description of the job duties and the weight of the evidence supporting any asserted specialized knowledge. *See* 8 C.F.R. § 214.2(l)(3)(ii). The petitioner must submit a detailed job description of the services to be performed sufficient to establish specialized knowledge. *Id.*

The petitioner in this case has failed to establish either that the beneficiary's position in the United States or abroad requires an employee with specialized knowledge or that the beneficiary possesses specialized knowledge. Although the petitioner repeatedly asserts that the beneficiary has been and will be employed in a "specialized knowledge" capacity as evidenced by his selection for transfer to the United States, the petitioner has not adequately articulated or documented sufficient basis to

support this claim. The petitioner has failed to identify any special or advanced body of knowledge which would distinguish the knowledge the beneficiary possesses from other similarly-experienced engineers in its industry. The petitioner failed to articulate, with specificity, the nature of the claimed specialized knowledge or how such knowledge is generally gained within the company beyond claiming that the beneficiary is familiar with certain products designed according to U.S. customer specifications and the foreign entity's quality assurance and production and production and operations control techniques.

The petitioner has not specifically described its techniques or processes or claimed that they are significantly different from those used by other automotive component manufacturers. 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). It is reasonable to believe that any company that custom designs and manufacturers engineered components has procedures for carrying out the complete product lifecycle from the RFQ stage to ongoing technical support and continuous improvement for delivered products.

In fact, the petitioner indicates that the beneficiary gained much of the claimed specialized knowledge over the course of his career as an engineer and factory production manager for unrelated employers, rather than with the foreign entity. The petitioner indicates that he joined the foreign entity in the role of senior research engineer approximately 14 months before the petition was filed, and the petitioner has not established that the beneficiary completed any training in order to perform the duties expected of that position. Further, the petitioner stated that only an employee with seven years of formal education, seven years of experience in electronic circuit design, three years of work experience in quality control techniques, and four years of work experience in production and operation control techniques could be expected to attain the knowledge the beneficiary possesses and the knowledge required for the position. While the beneficiary clearly possesses valuable education, knowledge and work experience in the fields of electronic engineering, quality assurance and production control, the petitioner did not establish that his education and previous professional experience resulted in his possession of specialized knowledge of the petitioner's products or techniques, nor did it explain how he gained specialized knowledge during his one year and two months of employment with the foreign entity. Rather, it is reasonable to conclude that he was hired based on his possession of extensive industry knowledge that could be readily applied to the foreign entity's research and development efforts.

While we do not doubt that the company has developed internal quality management and operational processes for all phases of the product lifecycle, it remains unclear whether these processes are so different from those used by engineering and production staff at other companies that this knowledge alone can be deemed specialized. 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 petitioner does indicate that the beneficiary has been involved in the design of automotive components sold to U.S. customers through the foreign entity's U.S. business partner and exclusive distributor, [REDACTED]. However, the petitioner has repeatedly emphasized that "owing to the distinct characteristics of the automotive industry, it needs three or four years' consecutive development period for one model launch from design concept to mass production." Based on this claim the beneficiary, with just over one year of experience with the foreign entity, could not have been involved with any product from design concept to production despite the petitioner's suggestion that his role requires familiarity with all aspects of the foreign entity's product cycle from RFQ to mass production to continuous process improvement. Further, although the petitioner suggests that the beneficiary's knowledge of the [REDACTED] program's products and associated quality assurance and production control techniques is unique within the company, the foreign entity's relationship with [REDACTED] predates the beneficiary's employment with the foreign entity by three years. While we do not doubt that the beneficiary has contributed to several products currently being developed in conjunction with [REDACTED] according to U.S. customers' specifications, the petitioner has not established that the performance of these duties resulted in specialized knowledge that could not be transferred to another similarly experienced employee.

For example, the petitioner submitted a job posting for a quality engineer position to be filled at the new U.S. office. This engineer will analyze customers' current project design specifications, make recommendations for product development, integrate the foreign entity's technologies with the clients' products, manage response to quality issues, manage the provision of technical support, manage research and development engineers based in Korea, and direct changes to designs and materials based on the rests of test data. Despite this position's involvement in design, quality assurance, support, process improvement, and oversight of foreign research and development employees, the petitioner indicates that the job requires only a bachelor's degree and three years of automotive industry experience, rather than any prior experience with the company's products and processes. These requirements support a conclusion that the petitioner's engineering staff, while highly skilled in electronic engineering for the automotive sector, need only possess the general knowledge attained through formal engineering education and related work experience in the industry.

The petitioner's claims that the beneficiary possesses specialized knowledge are largely based on the fact that his experience goes beyond electronic circuit design and extends to other aspects of the product cycle, including requests for quotations, operations and production control, and quality assurance techniques and processes, such as the product part approval process and root cause analysis and reaction plan. While the petitioner responded to the director's request that it compare the beneficiary's knowledge to that possessed by similarly employed workers, the petitioner did not provide a meaningful comparison. Rather, the petitioner compared him only to "other engineers in the research and development department" and stated that his knowledge is "special" and "distinguished" because a "normal" circuit design engineer "can only deal with the part of the circuit

design and does not have detailed knowledge of other areas such as requests for quotations, initiating design specifications, end of line testing, and program scheduling techniques."

This comparison is not helpful because the petitioner never claimed that the beneficiary is a "normal" circuit design engineer, but rather a senior research engineer with broader responsibilities. The petitioner has not provided detailed positions descriptions for the eight "associate research engineers" who appear on the foreign entity's organizational chart to establish that the duties and requirements for his position are significantly different. Further, given that the foreign entity was established in 1997 and the beneficiary has worked for the company for 14 months, it remains unclear how he came to possess advanced knowledge of all aspects of its product design and production process not possessed elsewhere in the company. The petitioner has provided a limited organizational chart depicting only the beneficiary's immediate department, however, the product documentation submitted reflects that the foreign entity has a production manager, quality assurance manager, manufacturing technique manager, design manager and quality control manager employed outside of the beneficiary's department who are working on the same products as the beneficiary.

Overall, the record does not include sufficient evidence demonstrating that the beneficiary has acquired specialized knowledge specific to the petitioning organization that could not be transferred to similarly educated and experienced engineering professional. Further, the record does not support that the beneficiary possesses an advanced knowledge of the company's processes and procedures based on his year of employment. Accordingly, the record does not establish that the beneficiary possesses specialized knowledge.

The petitioner has also failed to establish that the beneficiary would work in a specialized knowledge capacity for the petitioner. As discussed, the petitioner failed to explain how the beneficiary's proposed duties require specialized or advanced knowledge of the petitioner's products or processes. Again, although the petitioner referenced the beneficiary's educational background and employment experience gained over the course of his career, the petitioner did not adequately articulate the nature of the specialized knowledge to be applied in the proffered position. The petitioner did not provide documentary evidence or sufficient explanation to support its broad claim that the beneficiary is one of the few people within the foreign entity who possess the knowledge required for the proffered position. 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)).

The beneficiary is clearly a valued and experienced employee of the foreign entity and is qualified for the proposed position. However, the petitioner has not established that the knowledge he possesses is specialized, as it has not adequately articulated or documented how the knowledge he possesses in the areas of electronic circuit design for the automotive industry, quality assurance techniques and production and operational control techniques is truly special or advanced compared to the knowledge generally held by similarly employed workers in the petitioner's field.

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). The evidence submitted fails to establish by a preponderance of the evidence that the beneficiary possesses specialized knowledge or that he will be employed in a specialized knowledge capacity with the petitioner in the United States. *See* Section 214(c)(2)(B) of the Act. Accordingly, the appeal will be dismissed.

### III. Conclusion

The petition will be denied and the appeal dismissed for the above stated reasons. 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.