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U.S. Citizenship
and Immigration
Services

DATE: **OCT 14 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

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, a California corporation, is engaged in aviation parts and components manufacturer. The beneficiary currently works for the petitioner's subsidiary, [REDACTED] located in Hong Kong. The petitioner seeks to transfer the beneficiary to the United States in L-1B status to serve in the position of Inventory Demand Planner for a 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 specialized knowledge capacity.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO. On appeal, counsel asserts that the director overlooked the fact that the petitioner's industry imposes more stringent requirements on inventory management personnel compared to "the generic industry," and asserts that the beneficiary's more than six years of experience in inventory planning and management in the aviation industry qualifies his knowledge as specialized. The petitioner submits counsel's brief 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.*

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 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 was established in 1990 and operates as a supplier of aviation products and parts to more than 2500 domestic and overseas customers including major domestic and international

airlines. The petitioner has 288 employees in the United States, gross annual income of \$197M, and indicates that it maintains sales offices and subsidiaries throughout southeast Asia, including a subsidiary in Hong Kong. The petitioner indicates that its quality systems are certified to meet the ISO 9001:2000 Standards and Aviation Suppliers Association's ASA100 Quality Standards under the provision of [REDACTED] Advisory Circular No. 00-56A.

The petitioner stated that the beneficiary has been employed at its Hong Kong subsidiary since January 2011, where he serves as a Senior Production Support Executive in charge of the management of the five-person office and coordination among the company's various facilities in Asia. The petitioner described his current duties as the following:

- Provide on-site support to [REDACTED] (Base Maintenance and Component & Avionics Overhaul)
- Inventory management – monitor stock level, stock replenishment and ensure just-in-time material supply
- Monitor operational performance under KPI measurement
- Co-ordinate with warehouse for cycle count and stock relocation between different sites in Asia
- Oversee local staff in Hong Kong office

The petitioner explained that the beneficiary has "many years career experience in the aviation supply and inventory management industry." The petitioner stated that his experience includes: (1) serving as a planner for [REDACTED] (Hong Kong) Limited beginning in 2007; (2) employment with [REDACTED] from December 2009 until June 2010; (3) employment as a Customer Support Officer with [REDACTED] from June 2010 until January 2011; and (4) employment with the petitioner's Hong Kong subsidiary as a Senior Production Support Executive from January 2011 to the present. The petitioner provided evidence that the beneficiary has a Bachelor of Arts degree in history.

With respect to the offered position, the petitioner stated that it seeks to transfer the beneficiary to serve as an inventory demand planner based on his excellent performance for the Hong Kong office and "his experience and knowledge in inventory management and ability to coordinate actions among our various facilities in China." The petitioner indicated that he will assist the Group Leader Demand Planner within the [REDACTED] and perform the following duties:

- Communicate with [REDACTED] for customer pricing and inventory needs between US headquarters and our subsidiaries overseas.
- Develop, monitor and maintain inventory strategy and forecasts for multi-site consignment and safety stock replenishment programs. . .
- Use historical demand patterns as well as notifications of future demand changes to establish optimal inventory levels to meet customer performance commitments taking into account supplier lead times, inbound and outbound logistics and site-specific variables

- Prepare replenishment and requirement/requisition outputs to meet inventory strategy
- Actively monitor, review and revise safety stock levels to minimize inventory levels
- Identify and analyze high-moving inventory within programs, recommending additional inventory holdings for sell-through to non-program customers
- Update and manage part masters, BOMs, event schedules including key data elements
- Proactively determine inventory holdings across various parameters and planning data sets for trends and root causes in order to mitigate inventory and service level risks.
- Extensive data analysis across various ad hoc and ongoing requirements and initiatives
- Monitor and measure excess and obsolescent (E&O) inventory; actively move E&O to Sales teams and measure cost recover ratios to reduce impact to program financials
- Other tasks as required
- Oversee his old subordinates in Hong Kong and coordinate actions between the US Headquarters and other facilities in China.

The petitioner stated that the offered position "is highly professional in nature because it discharges duties so complex and manages an important function or component of our global operation." The petitioner stated that the position requires "at least a Bachelor's degree or equivalent skills backed by years of hands-on experience in the same industry," as well as bilingual ability in English and Chinese.

The petitioner also provided its official description and requirements for the inventory demand planner position, which indicates that the position requires "a clear understanding of inventory management and impacting areas of procurement, logistics and production as well as inventory's financial impact on the firm's financial objectives." The position summary indicates that the basic qualifications for the position include: a bachelor's degree in operations management, supply chain management, industry engineering or mathematics/statistics; 3 to 5 years of relevant inventory management/demand planning experience; and expert skills in MS Excel and MS Access. The petitioner lists prior experience with after-market spares inventory management as a "desirable" skill.

The petitioner provided a copy of the beneficiary's resume and academic credentials. It also submitted an organizational chart for its [REDACTED] which depicts the beneficiary's current and proposed positions. The chart indicates that the Hong Kong office is staffed by the beneficiary and three product support executives. The beneficiary's proposed position is listed as "supervisor inventory demand planner" with no subordinates. The chart also identifies a senior demand planner and another inventory support employee.

The director subsequently issued a request for additional evidence (RFE) advising the petitioner that its initial evidence was not sufficient to establish that the beneficiary possesses specialized knowledge, that he would be employed in a specialized knowledge capacity, or that the foreign entity has employed him in a qualifying managerial, executive or specialized knowledge position. The director explained that initial submission did not establish that the beneficiary possesses knowledge that is distinguished by some unusual quality and not generally known by practitioners in the same industry, as it did not compare and contrast his knowledge, education, training and employment experience with others performing the same or similar type of work in the same industry. The director provided a list of suggested evidence, including more detailed descriptions of the beneficiary's current and proposed duties, a detailed description of the nature of the beneficiary's specialized knowledge and how the beneficiary obtained this knowledge, an explanation of how the beneficiary's knowledge qualifies as "special" or advanced, documentation of any internal training the beneficiary completed, and information regarding the number of similarly trained workers in the organization.

In response to the RFE, the petitioner provided a slightly expanded description of the beneficiary's current duties in Hong Kong:

- Management of contract compliance with the customer;
- Management of staff development and job rotation;
- Discuss issues with quality regulators to ensure alignment of parts and documentation compliance;
- Manage import and export requirements for parts shipments;
- Act as lead for contract negotiations for local issues.
- Manage stock relocation and depletion, ensure quality handling of shortages and paperwork
- Focus on backlog
- Arrange shipment for non-ELSP sales
- Attend weekly meetings with suppliers, stakeholders and planning personnel
- Follow up with quarantine issues
- Review inventory of quarantined parts, conduct monthly stock review
- Conduct tradelink declaration (custom Declaration) for outbound shipments.

The petitioner stated that this summary of duties is "sufficiently detailed to give you an idea what the job is in Hong Kong and the professional nature of it. We require consistently at least a Bachelor's degree in a relevant field or equivalent for this position."

The petitioner also resubmitted its "Position Summary" for the offered inventory demand planner position, and the beneficiary's resume, which included an expanded description of his current duties as senior production support executive.

After reviewing the petitioner's response to the RFE, the director denied the petition, concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he had

been employed abroad or would be employed in the United States in a position requiring specialized knowledge.

In denying the petition, the director observed that the petitioner had not established that the beneficiary, as a result of his education, training or experience, possesses knowledge in the field of inventory management and planning that is different from that possessed by similarly employed workers in the petitioner's industry. The director acknowledged that the petitioner provided detailed descriptions of the beneficiary's current and proposed duties, but determined that the petitioner had not articulated how the performance of such duties requires the application of special or advanced knowledge. Further, the director emphasized that the petitioner did not indicate that the beneficiary had completed any internal training, and without such evidence, it had not shown that the beneficiary's knowledge could not be readily transferred to a similarly experienced employee. The director found that there was no evidence on record to suggest that the petitioner's inventory planning and management processes are significantly different from those applied by others working in the same industry.

On appeal, counsel for the petitioner asserts that the director "misapplied the facts to the law" and did not review the facts in their entirety, as she did not consider that "the proffered position is an Inventory Demand Planner not for the generic industry but for the aviation." Counsel contends that "it is common sense that supply management in the aviation industry has a much more stringent requirement on the quality of procedures [sic] to maintain the parts and components and the accuracy in inventory management." In this regard, counsel states that "inventory managers in the aviation industry bear a much heavier burden in carrying out the duties," which is why the petitioner wanted to transfer someone who is known to be qualified for the position based on years of satisfactory performance on the job.

Counsel further asserts that the beneficiary will utilize his "knowledge in the products, services, techniques and management of the company to enhance the inventory management operations of the U.S. headquarters," and that his knowledge "is at least specialized through close to three years employment." In addition, counsel states that the beneficiary's "knowledge may well be advanced due to the fact that he has served in the same industry since 2007." Counsel explained as follows:

His knowledge is specialized in the sense that it is for the aviation industry and inventory managers or planners in other industries are not immediately available or ready for this particular position where the demand on accuracy and quality is extremely stringent.

The alien, as mentioned above, has been working for [REDACTED] for more than 2.5 years at the time of filing. What is more important and apparently ignored or downplayed by the denying officer is his prior experience with three other companies in Hong Kong all in exactly the same industry – aviation supplies or engineering services since 2007

The alien's knowledge in the high-end management of inventory may well be considered "advanced" considering that he had been well-versed with the particular way of managing inventory developed in the aviation industry through decades before he was hired by [REDACTED]. Based on his prior experience in the same industry, it may well have taken him relatively shorter time to catch up with effective performance under Unical.

Finally, counsel asserts that the beneficiary has gained "very special knowledge" in the daily coordination efforts among the petitioner's various operation centers in Asia, and that "it is due to this particular knowledge acquired by the alien through years of hard work that [the petitioner] wanted to transfer him to enhance the counterparts in the U.S."

B. Analysis

Upon review, the petitioner has not established that the beneficiary possesses specialized knowledge or that he has been employed abroad or would be employed in the United States in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

In order to establish eligibility, the petitioner must show that the individual has been and will be employed in a specialized knowledge capacity. 8 C.F.R. § 214.2(l)(3)(ii). The statutory definition of specialized knowledge at Section 214(c)(2)(B) of the Act is comprised of two equal but distinct subparts 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 same 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 own 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 that the beneficiary has been or would be employed 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(1)(3)(ii). The petitioner must submit a detailed job description of the services to be performed sufficient to establish specialized knowledge. *Id.*

The petitioner's description of the beneficiary's previous and proposed duties indicates that he performs the duties typical of an inventory planning and management specialist. Counsel for the petitioner acknowledges that the duties "may sound plain and no more than generic." The fact that the beneficiary's day-to-day tasks, themselves are similar to those performed by other similarly-employed individuals should not prohibit a finding that the beneficiary possesses specialized knowledge. However, it is the petitioner's burden to establish that the duties of the position within the petitioner's organization require the application of knowledge that is uncommon or somehow different compared to that possessed by other similarly employed workers.

Here, prior to the denial of the petition, the petitioner never once used the terms "specialized" or "advanced" in describing the beneficiary's current or proposed positions or the knowledge requirements for these positions. Rather, the petitioner emphasized that both positions are clearly professional in nature and requires a bachelor's degree or years of hands-on experience in the same industry, as well as fluency in English and Chinese. The director provided a detailed request for evidence which included the regulatory and statutory definitions of specialized knowledge, explained why the initial evidence was not sufficient, and granted the petitioner an opportunity to explain and document why the performance of the beneficiary's duties requires knowledge that is either "advanced" or "special."

In response, the petitioner provided only a longer list of tasks performed by the beneficiary in his current position abroad without reference to any special or advanced body of knowledge required to perform such duties. It also re-emphasized that the foreign position requires a bachelor's degree. As stated above, 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. Here, the petitioner did not even specifically articulate a claim that the beneficiary possesses specialized knowledge, much less articulate the nature of the specialized knowledge. 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)).

Further, although the petitioner responded to the director's RFE, its submission was largely non-responsive to the issues raised by the director with respect to the beneficiary's specialized knowledge. The regulation states that the petitioner shall submit additional evidence as the director, in his or her discretion, may deem necessary. The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. *See* 8 C.F.R. §§ 103.2(b)(8) and (12). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

On appeal, counsel for the petitioner asserts that the director failed to review the facts in the entirety, as she ignored that the proffered position of inventory demand planner is not "for the generic industry," but rather in the aviation industry. Counsel suggests that common sense dictates that "supply management in the aviation industry" has more stringent requirements, and that it follows that the beneficiary, as an individual with six years of experience in that industry, possesses knowledge that inventory managers or planners in other industries do not possess. Based on this statement, it appears that the petitioner's claim that the beneficiary's knowledge is specialized is based on a comparison of the beneficiary's knowledge to that of a hypothetical inventory planning specialist working in a "generic" industry.

The petitioner does not claim that the beneficiary possesses knowledge that is specialized in comparison to that possessed by similarly employed workers in the aviation parts and supply industry. Further, the petitioner has not specifically described or documented any internally-developed processes, methodologies, systems or procedures used for inventory planning and management within the company. The petitioner indicated that its quality systems meet ASA100 Quality Standards under the provision of FAA Advisory Circular No. 00-56A, and it is reasonable to believe that other aviation companies must meet similar standards. Inventory planning and management specialists in the aviation industry may possess knowledge not held by workers performing similar duties for companies in other industries, but this does not support a finding that the instant beneficiary possesses knowledge that is considered specialized or advanced. The appropriate point of comparison is between the beneficiary and similarly-employed workers within the petitioner's industry and within the petitioning company.

Further, the petitioner indicates that the offered position requires only a relevant bachelor's degree, at least three years of "relevant inventory management/demand planning experience, preferably in a non-manufacturing environment," and MS Access and Excel skills. The petitioner does not claim that such knowledge can only be gained within its organization. In fact the petitioner emphasizes that

the beneficiary was qualified for his position in Hong Kong based on prior aviation industry experience, and does not indicate that he received any company-specific training upon joining the foreign entity. While we do not doubt the beneficiary's qualifications or the complexity and importance of the inventory management and demand planning functions he performs, the evidence of record does not support a conclusion that the beneficiary possesses, or that the position requires, knowledge that is special or advanced as those terms are used in the statutory and regulatory definitions of specialized knowledge.

Counsel states that the beneficiary's knowledge is based, in part, on "the particular way of managing inventory developed in the aviation industry through decades before he was hired by [the foreign entity]." The beneficiary cannot be deemed to possess specialized knowledge based on his familiarity with inventory management and demand planning procedures that are common to his occupation in the petitioner's industry, nor can the petitioner successfully claim the collective knowledge of the aviation industry as specialized knowledge that is specific to its company.

The record also does not provide sufficient explanations or evidence to support a conclusion that the beneficiary possesses an advanced knowledge of company processes and procedures, as such processes have not been described or documented in the record and the petitioner has not explained the knowledge required to perform the beneficiary's current or proposed duties. Again, the petitioner focuses on the processes and standards generally used to perform the beneficiary's work in the industry, rather than those that are specific to the petitioner's organization.

On appeal, counsel further claims that the beneficiary has developed "very specialized knowledge" in the daily coordination efforts among the petitioner's various operation centers in Asia, and states that it is this particular knowledge that prompted the petitioner to transfer him "to enhance the counterparts in the U.S." The petitioner offers no additional information as to what this knowledge entails, what duties he will perform to "enhance the counterparts," or why such organizational knowledge would not be fairly widespread within the petitioner's headquarters office. The beneficiary has likely developed working relationships within the organization during his more than two years of employment with the petitioner's subsidiary in Hong Kong, but the petitioner has not described his coordination tasks in sufficient detail nor explained why such duties require the application of specialized knowledge that could not be readily learned by its U.S. staff.

Overall, the petitioner's specialized knowledge claims are largely based on fact that the beneficiary has worked in inventory management and demand planning in Hong Kong, and that he has related experience with other companies in the aviation industry. For the reasons discussed, the record does not include sufficient evidence demonstrating that the beneficiary possesses, or that his current or offered position require, specialized knowledge that is different from that generally held by similarly-employed workers in the petitioner's industry. Accordingly, the record does not establish that the beneficiary possesses specialized knowledge.

As discussed, the petitioner failed to explain how the beneficiary's proposed duties require specialized or advanced knowledge of the petitioner's products and processes. Again, although the

petitioner referenced the beneficiary's educational background, industry experience and nearly three years of experience gained with the foreign entity, the petitioner did not adequately articulate the nature of the specialized knowledge applied in the beneficiary's current and proposed positions. The petitioner did not provide documentary evidence or sufficient explanation to support its broad claim that inventory management and demand planning specialists in the aviation industry inherently acquire knowledge that must be considered special or advanced compared to workers in other industries performing similar work. 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 adequately articulated or documented how knowledge of its organizational components or knowledge of aviation inventory management and demand planning procedures in general, qualifies as specialized knowledge.

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.