



U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **AUG 26 2015**

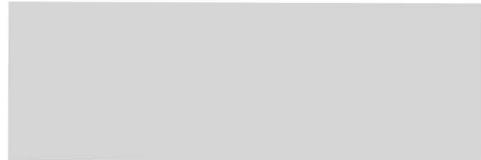
PETITION RECEIPT #: 

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:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner filed the Form I-129, Petition for a Nonimmigrant Worker (Form I-129), seeking to employ the beneficiary as an L-1B nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner states that it is a Texas corporation established in [REDACTED], and that it operates a specialty Chinese restaurant. The petitioner claims to be an affiliate of [REDACTED] located in [REDACTED] China. The petitioner seeks to transfer the beneficiary to the United States to serve in a specialized knowledge capacity, as a Food Technology Manager, for a period of three years.

The director denied the petition, concluding that the petitioner did not establish that: (1) the beneficiary's employment abroad was in a position that was managerial, executive, or involved specialized knowledge; (2) the beneficiary possesses specialized knowledge; and (3) the beneficiary's position in the United States involves specialized knowledge.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to our office for review. On appeal, the petitioner asserts that the beneficiary meets the requirements for L-1B classification. The petitioner submits a brief and duplicate copies of previously submitted evidence on appeal.

I. THE LAW

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

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

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

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

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

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

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

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

II. THE ISSUE ON APPEAL

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

1. Facts

The petitioner filed the Form I-129 on June 20, 2014 and indicated that it currently has five employees in the United States and a gross annual income of \$1,000,000.00. The petitioner stated that the beneficiary will be working as a Food Technology Manager. In its letter of support, dated May 30, 2014, the petitioner described the beneficiary's specialized knowledge and position abroad as follows:

As stated above, [the beneficiary] has worked for [the foreign entity] for 9 year[s]. He firstly worked for [redacted] as a Noodle Operation and Manufacturing Technology Development Manager from January of 2005 to February of 2007. In this position, he is responsible for the operation and development of different kind and taste of noodle, and the manufacturing technology thereof. While performing his duties, [the beneficiary] researched all kinds of noodle, and developed the special recipes and manufacturing methods for some

noodles most favored by the Northeastern Chinese. To achieve that, he tasted hundred kinds of noodles, visited hundreds noodle booths and stalls, and visited many noodle factories. Through this experience, [the beneficiary] gained and established tremendous knowledge and know-how about different genre of noodles and the manufacturing secrets thereof.

From 2007, [the beneficiary] became the brewing manager of [the foreign entity]. In this position, he oversees the entire production process of creating [the foreign entity's] wines, including fermentation, aging, blending and bottling process. In doing this he makes key decisions based on the levels of acid, sugar, sulfur and sulfite within a wine.

As a brewing manager, [the beneficiary] also supervises the work of viticulturists and work with the grape growers who work for [the foreign entity]. He makes decision about the adding of yeast, sulfites and sugar to the must before heating to trigger fermentation. His duties also involve deciding the right mixture of ingredients, overseeing the operation of machinery, such as vats and pumps, to separate and ferment the wine before it's transferred into wood or steel barrels for aging. He also oversee the general maintenance of the pumps, barrels and temperature control equipment.

In the same letter of support, the petitioner described the beneficiary's proposed position in the United States as follows:

As afore mentioned, our company is operation [sic] a [redacted] now. "[redacted]" means northeastern of China and we aim to serve authentic northeastern Chinese cuisine to the [redacted] residents. We therefore has [sic] such an urgent need to have [the beneficiary] transferred to the US to help us train the local employees about the northeastern cuisine, especially the noodle dishes, the preparation, the make, sauce, presentation, etc. Also, our as our restaurant also serves different types of wines, we also have the need of [the beneficiary's] present [sic] to help us train the restaurant employees about the nature, characteristics, making, mixing of different wines. . . .

In this position, [the beneficiary's] job duties, and the breakdown and percentage of time for the duties are as follows:

- Supervise the checking of the raw ingredients for maturity or stability for processing and finished products for safety, quality, and nutritional value, especially for the preparing of flour and noodles. 4 [Hours] (10%)
- Inspect food processing areas to ensure compliance with government regulations and standards for sanitation, safety, quality, and waste management standards. 4 Hours (10%)
- Evaluate food processing and food and wine storage operations and assist in the development of quality assurance programs for such operations. 4 Hours (10%)
- Develop flour and noodle dish new products for flavor, texture, color, nutritional content to serve and meet local favor, and adherence to government and industry standards. 8 Hours (20%)

- Develop food standards and production specifications, safety and sanitary regulations. 4 Hours (10%)
- Develop new or improved ways of preserving, processing, packaging, storing, and delivering foods. 6 Hours (15%)
- Train and instruct the local staff about the different nature of flour, noodle, and wines, and the preparing, serving, preserving, and storing of flour, noodle, sauces, and wines. 10 Hours (25%)

The petitioner submitted an organizational chart for the foreign entity showing the President at the top tier of the hierarchy, supervising a General Manager. The General Manager supervises an "Office," Sell Department, Finance, Factory, and "Personnel." The Sell Department supervises "After-Sales Service" and the Factory supervises Quality Inspection Departments, Production, and Personnel. The organizational chart does not list the beneficiary's position abroad, nor does it include the names of employees in the listed positions.

The petitioner also submitted a letter from the foreign entity, dated March 19, 2014, verifying the beneficiary's employment at the foreign entity and briefly describing his position abroad as follows:

This is to verify that [the beneficiary], male, has been working in our company for 9 years. He started working in [the foreign entity] since January 2005. [The beneficiary] was employed as Noodle Operation and Manufacturing Technology Development Manager in [redacted] from January 2005 to February 2007. [The beneficiary] has great experience in making noodles and other Chinese local weathen [sic] food.

[The beneficiary] was transferred to [the foreign entity] on March 2007; he is working as Brewing Manager and taking care of Brewing Department until present. [The beneficiary's] main job duties are control the brewing technology and relative research work.

The director issued a request for evidence ("RFE") on July 3, 2014, advising the petitioner that the evidence presented was insufficient to demonstrate that the beneficiary (1) has been employed abroad in a position involving specialized knowledge, (2) possesses specialized knowledge, and (3) will be employed in a position involving specialized knowledge in the United States. The director instructed the petitioner to submit evidence to satisfy each requirement.

In response to the RFE, the petitioner submitted a letter from the foreign entity, dated August 29, 2014, describing the beneficiary's specialized knowledge and position abroad as follows:

From 2005 January to 2007 November in [redacted] [the foreign entity] [redacted] pasta branch as the technology development department manager, and in 2005 months in March 10 won the Chinese pastries level Four qualification certificate, in his term of office, he is responsible for the operation and development of different kinds of noodles taste of the production process, in performing his duties, special formula and method of making all kinds of noodles [the beneficiary] research and development, to improve the taste and making method to

noodles on, he tried hundreds of noodles and visit many noodle stalls and visit the stall, and visited many noodle production factory, through this experience [the beneficiary] gained a lot of experience and knowledge with related with noodles, come up with noodles and preparation methods of different types.

2007 December years as technical manager [the beneficiary] [the foreign entity] brewing a duty, and in April 6, 2007 obtained the qualification certificate assistant winemaker, during his tenure, he was responsible for the Wine throughout the production process, including fermentation, aging, separating juice and filling process, he did so precise production of critical control points based on.

As a brewing technology manager, [the beneficiary] is responsible for the supervision of grape growers to work with grape growers exchange master grape planting and recycle more. His duties also include determining the proper blend of ingredients, supervision and operation of machinery, example: fermented wine transfer and storage process, the separation cylinder pump, he is also responsible for the supervision of the general maintenance, such as: machinery and maintenance of temperature and humidity wine storage equipment control, production line.

Developed by he improved production technology research and development of products have withstood the test of the market and have won considerable profit for the company and gradually expand the international market.

The petitioner submitted a document listed as the beneficiary's Noodle Chef Certificate. The document states that his educational level is an Associate's Degree and the date of issue is March 10, 2005; the occupation and skill level listed is "Chinese Style Noodle Chef (level four)."

The petitioner submitted a document listed as the beneficiary's Assistant Brewer Certificate. The document states that his profession is "Brewing," his post is "Assistant Brewer," and the date of issue is April 6, 2007. The document further states, "This certificate, formulated and issued by Personnel Department of [redacted] is to certify that the bearer is qualified for the technical or professional post stated herein."

The petitioner submitted a document from the foreign entity, titled Training Records and dated March 16, 2014, stating the following about the beneficiary's training:

Training date March 16, 2014 training site office

Speaker . . . wine engineer position

The training content brewing technology and management

Analysis:

1. brewing technology
2. food quality inspection
3. environmental protection

Examination results of the names of personnel duty assessment
results appraisal department examination results

[the beneficiary] theory of qualified technical manager

The petitioner submitted a document titled Personnel Record stating that the beneficiary joined the foreign entity in January 2005 and listing his education, company employment, and company training as follows:

Education, qualification and training:

School: [REDACTED]
Dates: 2005 March
Examinations taken: Chinese style division theory of knowledge

School: [REDACTED]
Dates: 2007 April
Examinations taken: Assistant winemaker

Company employment (starting with present position):

Position: technology
Department and section: Technology development department
Dates: 2005 January to 2007 November
Job title and description: new technologies in the development

Position: Brewing Manager[:]; Director of General Office Technology Development Department
Department or section: Technology Development Department[:]; Administration Department
Dates: 2007 December up to now
Job title and description: Brewing technology management

Company training:

Course: Brewing technology management
Location: office
Dates: March 10, 2013
Examinations taken: brewing technology

The petitioner submitted a document from the foreign entity, titled Certificate, and dated September 2, 2014, stating the following about the beneficiary's training:

This is to certify that [the beneficiary] . . . in 2005 January to 2007 November in [REDACTED], [the foreign entity] [REDACTED] branch as the technology development department manager, and in March 10, 2005 won the Chinese style division qualification certificate; in 2007 December has served as technical manager of [the foreign entity] brewing a duty, and in April 6, 2007 was the assistant winemaker qualification certificate, during [the beneficiary]

administration because of his outstanding ability, the company only he obtained the qualification certificate and can be very good to use technology management to work.

The petitioner submitted the beneficiary's payroll records indicating that he was employed at the foreign entity from January 2013 to June 2014. The petitioner also submitted a list of the beneficiary's subordinates at the foreign entity, indicating that that he supervised six subordinate employees: a Support Supervisor, a Warehouse Keeper, an Examination Clerk, a Driver, an Analyst, and a Salesman.

The petitioner also submitted a letter, dated September 20, 2014, stating that it is the first and only Northeastern-cuisine-only restaurant in the competitive Chinatown area of [REDACTED] and needs a person with the unique understanding, knowledge, and experience with its noodle dishes, specifically the Northeastern dishes, to help train local employees. The petitioner goes on to explain the difference between Northeastern-cuisine noodles and those noodles used in other types of Chinese cuisine. The petitioner explains that local Chinese-cuisine chefs are not trained and do not know how to prepare Northeastern-cuisine style noodles or sauce and states that it has not been able to find a person with deep knowledge of the Northeastern noodle to help prepare and serve authentic Northeastern noodle dishes. The petitioner then described the amount of time it would take for someone to acquire the same knowledge as the beneficiary as follows:

The position we offered to [the beneficiary] is for him to come to the US to help us train the local hires. Usually, a new person needs to be trained for at least between 6 months to one year to be able to hand-make Northeastern noodle. Without appropriate guidance and training, it may take up to two years for a novice to be familiar with the unique mixing, kneading, pulling, threading, and cutting of the Northeastern style noodle.

In the same letter, the petitioner also described the beneficiary's proposed position in the United States as follows:

[The beneficiary] is an experienced and certified Noodle chef as shown on the document we have attached. He was trained for years, and attended training classes for 6 months before he was issued the certificate. He is also a certified Assistant Brewer. While we are trying to serve the right wine to our diners, we need a person who knows our dishes, our noodles, and winery. He will be positioned in the advanced position responsible for training our local hires. With his addition, we will be able to presenting ourselves as the provider of the real authentic Northeastern noodle, wine and cuisine. That will greatly strengthen the legitimacy of our claim, image, and competitiveness in the market as being the real authentic Northeastern restaurant.

The director denied the petition on October 9, 2014, concluding that the petitioner had 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 position requiring specialized knowledge. In denying the petition, the director found that the petitioner did not show that the beneficiary's knowledge and ability is beyond what is commonly found among its employees. The director noted that the beneficiary received a pastry certificate and a brewing certificate, but the petitioner did not demonstrate how these awards constitute evidence of special

and/or advanced knowledge possessed by the beneficiary. The director further found that the documentation submitted does not indicate how the beneficiary's duties involve knowledge that is special and/or advanced when compared to the employees in the organization. The director noted that the beneficiary's knowledge of the processes and procedures of the organization does not appear to be substantially different from, or advanced in relation to, that of any Food Technology Manager.

On appeal, the petitioner asserts that the beneficiary possesses specialized knowledge. The petitioner states that the beneficiary was trained for many years in the northeastern part of China and attended training classes for six months before being issued any certificate. The petitioner states that the beneficiary is also a certified Assistant Brewer, familiar with the right wines to accompany traditional Chinese dishes from the Northeast. The petitioner explains that U.S. chefs, trained in Cantonese, Sichuan, or Hunan cooking, do not know how to prepare Shandong noodle dishes, which the petitioner's restaurant serves. The petitioner goes on to state the following about the beneficiary's specialized knowledge and the proposed position in the United States:

Based on [the beneficiary's] unique expertise and background working and training in Shandong cuisine and wines in Northeast China, he clearly possesses skills that are different and uncommon in the Chinese restaurant industry in the U.S, as required by INS and by the interpretations as laid out in [REDACTED]

* * *

Moreover, [the beneficiary's] skills are uncommon within [REDACTED] and more specifically, within his own restaurant, as local chefs have not been raised in Northeast China nor trained in the unique techniques of Shandong cuisine. Moreover, the skills necessary for the Food Technology Manager position cannot be easily gained through recipes or exposure to cooking techniques. . . . without appropriate guidance and training, it may take up to two years for a novice to be familiar with the unique mixing, kneading, pulling, threading, and cutting of the Northeastern style noodle, certainly not a "brief or moderate period of time."

* * *

USCIS also failed to consider, in its denial notice, any economic inconvenience posed to [the petitioner]. . . .

Because USCIS did not consider the relevance of knowledge and skills gained through culture as is now required by [REDACTED] it failed to recognize [the beneficiary's] unique position in the company as a result of his specialized knowledge of Northeastern cooking and winery techniques. . . .

Due to his specialized skill and expertise, [the beneficiary] was appointed to the U.S. company to oversee brewing, research, sales, purchases, and to train local employees in the unique brewing and noodle techniques of the Northeast China. . . .

Most importantly, because [the petitioner] is the first of its kind in [REDACTED] it is near impossible to find a replacement chef to train local hires and/or anyone with the experience and skills necessary to enable the restaurant to stay open and to be ready for business.

2. Analysis

Upon review, we find that the petitioner has not established that the beneficiary possesses specialized knowledge and has been employed abroad, and will be employed in the United States in a position involving specialized knowledge as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

In order to establish eligibility, the petitioner must show that the individual will be employed in a specialized knowledge capacity. 8 C.F.R. § 214.2(l)(3)(ii). The 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.

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

As both "special" and "advanced" are relative terms, determining whether a given beneficiary's knowledge is "special" or "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others in the petitioning company and/or against others holding comparable positions in the industry. The ultimate question is whether the petitioner has met its burden of demonstrating by a preponderance of the evidence that the beneficiary's knowledge or expertise is special or advanced, and that the beneficiary's position requires such knowledge.

In examining the beneficiary's specialized knowledge and whether the offered position requires specialized knowledge, we 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.*

In reference to the experience and specialized knowledge required to perform the duties of the beneficiary's position in the United States, the petitioner states that it cannot find local chefs that are properly trained in the

Shandong cuisine of Northeastern China, and that a chef new to Shandong cuisine, with appropriate guidance (i.e. the beneficiary as a trainer), usually requires at least six months to one year of training in order to properly hand-make the Northeastern noodle. However, without appropriate guidance and training, a chef new to Shandong cuisine may take up to two years to be familiar with the unique mixing, kneading, pulling, threading, and cutting techniques used to hand-make the Northeastern noodle. The petitioner does not discuss the experience required in winemaking or wine selection to match the dish in Shandong cuisine, but does state that the beneficiary possesses this specialized knowledge as well. Therefore, one of the critical questions before us is whether the petitioner has supported its claim that the beneficiary's experience in specialty noodle-making and winemaking constitutes specialized knowledge.

The petitioner in this matter has not provided sufficient probative evidence establishing the nature of the claimed specialized knowledge. The crux of the petitioner's claim is that the beneficiary's years of experience as a Noodle Chef and Brewing Manager, along with specified training in these areas, has resulted in his possession of specialized and advanced knowledge. However, the petitioner has not provided probative evidence establishing what its unique products, processes, and procedures are and how they are different from others in the same industry. Although the petitioner states that the beneficiary has received certifications as a Chinese Style Noodle Chef (level four) and an Assistant Brewer, the petitioner has not established how the beneficiary's knowledge of these products, processes, and procedures require a level of knowledge that is different from what is generally possessed by similarly employed and credentialed noodle chefs or brewing managers in the same industry. Moreover, the petitioner has not established how this knowledge is "special" or "advanced." Accordingly, the record does not include the requisite supporting evidence establishing that the "nature" of the beneficiary's knowledge is specialized knowledge. The petitioner did not indicate how many employees within the foreign entity have the same specialized training as a Noodle Chef or Assistant Brewer, and how this specialized training differs among other Chefs within the same industry.

Here, the petitioner asserts that it is the first restaurant in [REDACTED] serving Shandong cuisine from Northeastern China, and claims on appeal that the beneficiary's cultural background holds value to the intended position and his possession of specialized knowledge. However, the petitioner has not provided probative evidence demonstrating that the beneficiary's knowledge is particularly specialized or advanced, nor, again, has the petitioner established how the beneficiary's cultural background and knowledge of these unique products, processes, and procedures require a level of knowledge that is different from what is generally possessed by similarly employed noodle chefs or brewing managers in the same industry. As such, we affirm the director's determination that insufficient evidence was presented to establish that the position of Food Technology Manager, as herein described, involves a special or advanced level of knowledge in preparing noodles and pairing wines in Shandong cuisine.

The petitioner also states that it is the beneficiary's specific experience at the foreign entity which accounts for his specialized knowledge. Here, the petitioner does not indicate a specific time frame to obtain the same level of knowledge possessed by the beneficiary. The petitioner simply states that it may take six months to one year with appropriate trainers and up to two years without the proper guidance, and adds, on appeal, that the beneficiary's "knowledge and skills gained through culture" is also relevant to his specialized knowledge. The petitioner provided a copy of the beneficiary's certificates. However, the record does not include the information needed to make a comparison between the beneficiary's training and experience and that possessed by others within the organization and within the industry as a whole. Further, the petitioner does

not detail the type or amount of training that would allow other Noodle Chefs or Assistant Brewers/Brewing Managers potentially hired at the foreign entity to advance to the position of the beneficiary. Therefore, while the record establishes that the beneficiary possesses the knowledge and skills required to make specific noodles and wines, the petitioner does not establish that this knowledge is significantly different from that possessed by others who work with similar products and processes designed for the related industry. Accordingly, the petitioner has not established that the beneficiary possesses specialized or advanced knowledge.

Although the petitioner asserts that the beneficiary's position in the United States involves specialized knowledge, the petitioner has not sufficiently articulated or documented its claims. Other than submitting a brief description of the beneficiary's current and proposed job duties and a vague explanation of how those duties require knowledge of a unique product and process, the petitioner has not identified any aspect of the beneficiary's position which involves knowledge that rises to a level that is special or advanced. Specifically, the petitioner has not demonstrated what aspects of training others in noodle making and pairing appropriate wines with specific dishes would require knowledge that is particularly complex or different from what is commonly held by experienced Noodle Chefs and Assistant Brewers with the same skills. 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)).

Overall, the evidence does not reflect how the knowledge and experience required for the beneficiary's position would differentiate that position from similar positions at other employers within the industry.

For the reasons discussed above, the evidence submitted does not establish by a preponderance of the evidence that the beneficiary possesses specialized knowledge and has been employed abroad, and will be employed in the United States, in a position requiring specialized knowledge. See Section 214(c)(2)(B) of the Act. Accordingly, the appeal will be dismissed.

III. CONCLUSION

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

ORDER: The appeal is dismissed.