



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **FEB 09 2015** Office: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

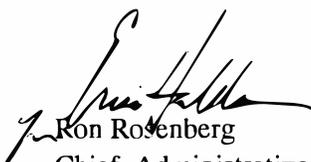


INSTRUCTIONS:

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

The petitioner filed this nonimmigrant petition seeking to classify the beneficiary as an L-1B 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, an Illinois corporation, is an information technology company. The petitioner claims to be the parent company of [REDACTED], located in India. The petitioner seeks to employ the beneficiary as its [REDACTED] development manager 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 or will be employed 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 for review. On appeal the petitioner asserts that the director erred in finding that the petitioner has not established by the preponderance of the evidence that the beneficiary was employed abroad in a position involving specialized knowledge, that the beneficiary possesses specialized knowledge, and that he will be employed in a position requiring specialized knowledge.

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, Petition for a Nonimmigrant Worker, 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. Specialized Knowledge

The sole issue addressed by the director is whether the petitioner established that the beneficiary has specialized knowledge and whether he has been, and will be, employed in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

A. Facts

The petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, on April 17, 2014. The petitioner is an information technology company providing [REDACTED] software, database modeling and development, application development, and business services. The petitioner indicates that it has 28 employees in the United States and a gross annual income of \$2.5 million.

The petitioner describes its specialized software as follows:

[REDACTED], our flagship product is a flexible, adaptable, and future-proof complete business solution for small and midsize businesses. This very specialized software has a flexible, robust architecture and is supported by proven implementation strategies. Thanks to this, the software can be integrated quickly and smoothly into an existing company structures. Specific requirements can be integrated into [REDACTED] with a minimum amount of time and effort.

The petitioner states that the U.S. position requires an inside employee "who has acquired a solid, advanced level of technical experience" in the company's flagship [REDACTED] software. The petitioner describes the specific duties of the position as:

- Evaluating customers' software needs, technical issues, and organizational structures;
- Conducting comprehensive implementation studies around [the petitioner's] products in light of customers' specific technical and organizational environments;
- Analyzing advanced integration problems with customers by performing extensive technical tests at [the petitioner's] office using the customer environment under nondisclosure agreements;
- Preparing recommendation reports and studies to be addressed to customers;
- Developing consulting-oriented technical documents to support activities;
- Developing software extensions for the [company] product line in order to address specific customer problems;
- Coordinating with other departments, including sales, marketing, and pre-sales engineering, to ensure customer satisfaction;
- Maintaining up-to-date knowledge of industry trends and technical developments; and
- Maintaining consistency with similar departments at [the foreign entity] in India through established company communications and procedures, including internal technical documents, tools, etc. in order to share knowledge and workload and maximize engineering activities' effectiveness.

The petitioner further states that the U.S. position will: manage the design, development, and maintenance of our [REDACTED] software; provide pre-sales and post-sales technical expertise to customer prospects and existing customers in order to help them deploy and integrate the petitioner's software successfully; provide internal support to the petitioner's other engineers; assist the petitioner's engineers with the most technically complex duties; define the scope of technical documents to be written; participate in the development of technical support and consulting documents; and provide internal technical training to the petitioner's other engineers.

The petitioner states that the beneficiary possesses specialized knowledge "based on his work experience and his expertise in and proprietary knowledge of our programming codes and software development protocol, as well as [our] customers' needs and our technical support methods."

The petitioner submitted payroll documents from its Indian subsidiary which indicate that the beneficiary's "joining date" is March 5, 2012. A letter dated April 7, 2014, indicates that the beneficiary has been employed by the foreign entity as an [REDACTED] Functional Analyst since March 5, 2012. The letter indicates that the beneficiary has been performing the following duties:

Functional Analysis:

- Acts as subject matter expert in areas of manufacturing, scheduling and work order costing.
- Define and document system processes.
- Write functional specifications for new features.

- Write functional requirement documents.
- Participate in change request process to approve, document, test and certify all changes to the [REDACTED] system in his area of expertise.
- Define and create test plans, test scripts and test procedures.
- Confer with project personnel to identify and resolve problems.

Development Activities:

- Prime areas of responsibility is to work with development team to get new functionality delivered.
- Monitor or track project milestones and deliverables.
- Submit project deliverables, ensuring adherence to quality standards.
- Prepare project status reports by collecting, analyzing, and summarizing information and trends.
- Direct or coordinate activities of project personnel.
- Establish and execute a project communication plan.
- Assign duties, responsibilities, and spans of authorities to project personnel.

The petitioner provided a copy of the beneficiary's bachelor degree and academic transcripts. The beneficiary obtained his degree in Industrial and Production Engineering in 1997.

The petitioner also provided a copy of the beneficiary's resume. The resume indicates that the beneficiary has a [REDACTED] certification from [REDACTED] and lists his technical skills as: Windows 2008 server, Oracle 10g, MYSQL, Microsoft Visio 2005 and 2008, Borland Delphi, and TortoiseSVN. The resume indicates that the beneficiary was trained in Visual Studio 2005 and Oracle 10g. The beneficiary's previous work experience includes two industrial production positions and two additional positions designing and implementing software and [REDACTED] products with unrelated companies.

The beneficiary's resume indicates that his current responsibilities as an [REDACTED] Functional Analyst include the following:

- Gathering client requirements from implementation team.
- Analyzing requirements and conducting feasibility analysis
- Writing business requirements and conducting feasibility analysis
- Conducting training classes to enhance functional knowledge of developers, testers, and team leads
- Working as a liaison between stake holders and development team to make sure that developers understand the requirements before starting the development
- Conducting high level testing to make sure that development outputs are matching with the requirements as stated
- Designed and implemented scheduling, material requirement planning and plant capacity planning
- Managing team of testers and junior analysts

The director issued and Request for Evidence (“RFE”), requesting that the petitioner provide additional evidence that beneficiary possesses specialized knowledge, was employed abroad in a position involving specialized knowledge, and that the U.S. position involves specialized knowledge. Specifically, the director requested, among other evidence, the following: a more detailed description of the beneficiary’s duties; an organization chart indicating the beneficiary’s position within the foreign company; a letter from the beneficiary’s supervisor describing the beneficiary’s training or experience with the foreign entity; an explanation of the number of employees with the same knowledge as the beneficiary; an explanation of how the beneficiary’s knowledge is specialized or advanced; and an U.S. organization chart showing the beneficiary’s proposed position.

In response to the RFE, the petitioner submitted a letter from the beneficiary’s current supervisor in India. The letter indicates that the beneficiary was recruited based on his educational background in production and industrial engineering and his proven work experience in manufacturing software prior to joining the foreign entity. The supervisor stated:

I have set very high goals for [the beneficiary's] performance and contributions in functional areas of manufacturing in general and planning in particular. I have setup various training sessions to explain functional and technical details of the planning modules which existed at that time with basic functionality. I have also setup several discussion sessions with various implementation teams from [the foreign entity] to explain specific business cases and challenges. [The beneficiary] was very quick to grasp the details accurately and come up with both functional and technical details to improve the software to meet most of customer's requirements. Based on his excellent performance and more demand for work, he was promoted as Manager to head development of both Production Planning and Materials Planning modules in January 2013.¹

The supervisor further indicated that the beneficiary’s responsibilities abroad include: gathering client requirements about enhancements to be done in the area of material requirement planning and production planning including direct interaction with clients and discussions with implementation managers (20% of his time); organizing and analyzing the requirements and work with design team to do feasibility analysis on requirements stated (15% of his time); converting requirements into business requirement documents, use cases, and work flow diagrams (30-50% of his time); working as a liaison between the stakeholders and development team (remainder of his time). The supervisor also states that the beneficiary is not involved in software development activities, but guides and validates the development team during various stages to ensure that they understand system requirements. The supervisor emphasized that software testers and developers lack extensive functional knowledge in [redacted] modules and analysis skills that are typically possessed by a functional analyst. He explained that testers refer to requirements documents written by the [redacted] functional analysts, create test cases, and test the developed application, while an [redacted] functional analyst attends more meetings and liaises with users regarding requirements and complaints.

¹ Although the supervisor references the beneficiary’s promotion to manager in response to the RFE; the petitioner initially indicated that the beneficiary has been employed as an [redacted] Functional Analyst throughout his tenure abroad.

The petitioner provided an organization chart for the foreign entity which shows the beneficiary's direct reporting lines. The chart depicts the beneficiary as [REDACTED] Functional Analyst for Planning Modules with three subordinates – a senior developer, a developer and a quality control employee. The chart shows that the beneficiary reports to a Director of Operations in India, who, in turn, reports to a Vice President/Business Owner of Planning Modules.

The petitioner also provided a letter in response to the RFE, in which it further described its [REDACTED] product and its production and material planning modules. The petitioner states that the beneficiary was recruited based on his engineering degree and his seven years of experience working at another [REDACTED] business software development organization. The petitioner states that, “[a]fter proving his exceptional functional expertise and contributions to our material planning and production planning modules of our [REDACTED] software for about six months, in January 2013, he has been assigned the lead business analyst role to guide and supervise three developers.” The petitioner states that other employees have a good functional knowledge and some basic technical knowledge about its programming modules, but that they do not have in-depth technical knowledge of the programs underneath. The petitioner estimates that it would take more than one thousand man-hours to bridge the technical detail knowledge gap.

The petitioner indicates that the beneficiary’s primary duties are as follows:

1. Understand the business needs in the areas of manufacturing planning from each of our new or existing customers who request of deviations from our existing planning models and validate them. This primary responsibility is a staff function supporting all implementation teams during and after implementation.
2. Design the changes in the programs, screens and report.
3. Discuss and decide if these modifications should be part of standard product features or custom solutions to individual customers.
4. Coordinate the development- by communicating to [the foreign entity] and validating
5. Supervise the development of help documents at [the foreign entity].
6. Resolve escalated functional and technical issues.
7. Mentoring and supervising Asst. Business Analyst- Planning.
8. Keep up with the trends in the industry and plan continuous improvements in planning modules.

The petitioner also provides a table summarizing the type of training the beneficiary will provide to other employees and customers. The beneficiary will provide training in functional and configuration features, debugging strategies, data loading and maintenance strategies, and frequently asked questions.

The petitioner submitted its organizational chart, which depicts the beneficiary as [REDACTED] Functional Analyst – Planning, reporting to the Vice President Software Development and Consulting Services. The chart shows that the beneficiary will supervise an Assistant Functional Analyst – Planning, as well as the three-person team he currently supervises in India. The chart also indicates that he will guide implementations in the planning area which are carried out by three [REDACTED] implementation project managers and subordinate implementation and support positions. The chart depicts two additional [REDACTED] Functional Analysts who are responsible for financial and logistics modules, a technology architect, and a database administration

employee who, along with the [REDACTED] implementation project management staff, also report to the Vice President of Software Development and Consulting Services.

The petitioner submitted a letter dated January 11, 2012, offering the beneficiary the position of [REDACTED] Functional Analyst. The petitioner also submitted a letter from the beneficiary's previous employer dated October 1, 2010, indicating that the beneficiary was employed as a Program Manager - Implementation.

The petitioner provided a one-page overview of its [REDACTED] system. The document indicates that the program has 56 components. The petitioner also submitted a guide to advanced planning and scheduling and case studies which further explained the functionality of the [REDACTED] system. Although the petitioner indicated that it was attaching two papers the beneficiary wrote about material planning and production planning, the petitioner's response to the RFE did not include any papers that were clearly authored by the beneficiary.

The director ultimately denied the petition, finding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that the beneficiary's position abroad and the proposed position in the United States require specialized knowledge. The director noted that the beneficiary's duties were similar to the duties of a computer systems analyst. The director stated that evidence failed to establish that the beneficiary's knowledge or experience is significantly different from that possessed by similarly employed workers in the same industry. The director also stated that the evidence failed to establish that the beneficiary's education, training, and experience have resulted in specialized knowledge of the company's product, service, research, equipment, techniques, management, or an advanced level of knowledge or expertise in the organization's processes and procedures. The director found that the evidence was insufficient to demonstrate that the products, policies, processes, methodologies, framework, and projects pertaining to the petitioner are different from those applied by a similar position working in the same industry, or that a similarly employed person in the field could not readily acquire the company-specific knowledge.

On appeal, the petitioner asserts that the beneficiary "has specialized knowledge of [REDACTED] development processes and procedures based on his education and experience gained abroad prior to joining the petitioner." The petitioner emphasizes that the beneficiary's degree in production and industrial engineering combined with his previous experience developing [REDACTED] software is uncommon to find in the labor market and gives him a higher level of understanding needed to design software to meet client needs. The petitioner reiterates that the role of [REDACTED] Functional Analyst requires specialized knowledge not held by testers or programmers and that the beneficiary's positions with the foreign entity and the petitioner fill a special and unique role within the organization. Finally, the petitioner asserts that because most of its end clients are in the United States, "it is imperative that the beneficiary be transferred to the U.S. to manage the [REDACTED] Testers and Programmers and oversee implementation of the software are the client sites."

B. Analysis

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

In order to establish eligibility, the petitioner must show that the 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(I)(1)(ii)(D). The petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

We 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.

On appeal, the petitioner claims that beneficiary possesses specialized knowledge based on his education and experience in production engineering combined with his experience developing [REDACTED] software. The petitioner does not emphasize any specialized body of knowledge specific to the petitioning organization of which the beneficiary possesses specialized or advanced knowledge. The evidence indicates that the beneficiary obtained his education and experience as an industrial/production engineer and [REDACTED] specialist prior to his employment with the foreign entity, and the petitioner claims that it is his functional knowledge of [REDACTED] software and his educational background in production and industrial engineering that have made him valuable to the organization. The petitioner has not supported its claim that it is rare to find an industrial and production engineer with [REDACTED] software experience. 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)).

We acknowledge that the petitioner indicates that it offers its own [REDACTED] system, referred to as both [REDACTED] and "[REDACTED]" in the record. The current statutory and regulatory definitions of "specialized knowledge" do not include a requirement that the beneficiary's knowledge be proprietary. However, the petitioner might satisfy the current standard by establishing that the beneficiary's purported specialized knowledge is proprietary, as long as the petitioner demonstrates that the knowledge is either "special" or "advanced." By itself, simply claiming that knowledge is proprietary will not satisfy the statutory standard.

Here, the petitioner has not attempted to differentiate its [REDACTED] product from similar offerings, nor has it established that an experienced software professional who has worked with competing [REDACTED] systems would require any significant additional training to understand the petitioner's system. The petitioner states that the beneficiary possesses specialized knowledge of proprietary programming codes and software development protocol, but the petitioner has not provided evidence to demonstrate how the knowledge required to work with its software differs from the knowledge required to work with any other [REDACTED] software. The beneficiary's resume indicates that his technical skills include: Oracle, MYSQL, Microsoft Visio, Borland Delphi, and TortoiseSVN. There is no evidence that the beneficiary possesses training or technical skills beyond the third party programs. The petitioner has not provided an explanation or evidence demonstrating that its product differs significantly from other industry products or is at a level of complexity such that it requires knowledge that could not be easily transferred to a similarly experienced functional or business analyst.

In fact, the petitioner indicates that it was able to place the beneficiary directly into the [REDACTED] Functional Analyst role based on his experience gained with an unrelated company and the functional production planning and material planning knowledge he gained from his educational background. Therefore, the evidence fails to demonstrate that knowledge of its in-house developed [REDACTED] solution alone constitutes specialized knowledge.

Further, even if the petitioner established that the beneficiary's educational and professional background is uncommon or noteworthy within the petitioning organization, such traits cannot form the basis of a claim that he possesses specialized knowledge specific to the company. The record does not establish that the knowledge required to perform the duties of an [REDACTED] functional or business analyst within its organization is different or uncommon that what is generally known by similarly employed workers in the industry.

In addition, the petitioner does not document or explain any company-specific training from the petitioning company regarding its internal methodologies, technologies, or processes, nor has it provided information regarding how specialized knowledge is typically acquired within the company. The beneficiary's supervisor stated that he set up "various training sessions to explain functional and technical details" of the company's planning modules to the beneficiary and set up "several discussion sessions with various implementation teams to explain specific business modules." The supervisor indicates that the beneficiary quickly grasped the details and was able to customize the petitioner's [REDACTED] system for clients. The petitioner offered no additional information regarding any training the beneficiary completed to become well-versed in the petitioner's [REDACTED] system and suggests that he quickly adapted based on his existing knowledge of the industry and similar products in the market. The petitioner has not provided any internal company training records for the beneficiary or its other employees.

While the petitioner suggests that the beneficiary has advanced knowledge of its proprietary [REDACTED] software; there is no evidence to suggest that the beneficiary's training in the [REDACTED] software differs from other employees of company. The petitioner has failed to document or explain how specialized knowledge of the company's internal processes and procedures is typically gained within the organization, or how and when the beneficiary gained such knowledge. The petitioner has also failed to demonstrate how the beneficiary's knowledge differs from other similarly employed workers within the company, such as other employees who work in a business analyst, functional analyst or systems analyst role. Rather, the petitioner compared his knowledge only to that possessed by software testers who perform a different role. Based on the petitioner's

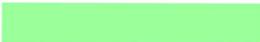
explanations, the functional analyst may possess an understanding of customer functional requirements not possessed by the software developers and testers, but the petitioner has not clarified how the role requires advanced knowledge of company processes and procedures.

The petitioner indicates that although other employees have “a good functional knowledge” and “basic technical knowledge” about the programming modules, they do not have knowledge of the programs underneath and that it would take “more than one thousand man-hours to bridge the technical detail knowledge gap”. The petitioner does not explain the underlying programs, how the beneficiary’s knowledge differs from other employees, or the type of training required “to bridge the knowledge gap”. Additionally, while the petitioner claims that it would take more than 1,000 hours of training to bridge the knowledge gap, the petitioner has not provided any evidence that the beneficiary completed such training. Going on record without 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)).

On appeal, the petitioner claims that the positions are special and unique because the beneficiary possesses combined training in production/industrial engineering and [REDACTED] development. The petitioner asserts that the position is more advanced than [REDACTED] developers and testers, but fails to articulate how the positions differ from other [REDACTED] functional analyst positions. The U.S. organization chart includes two additional [REDACTED] functional analyst positions for the logistics, and financial components. As discussed by the director, the beneficiary’s duties are typical of computer system analysts. The petitioner states that the beneficiary’s position differs from developers and testers, but does not explain how the beneficiary’s knowledge is special or advanced when compared to other computer system analyst positions. Even within the petitioning company, there is no evidence to indicate that the knowledge required for the beneficiary’s position is substantially different from the knowledge required for the functional analyst positions for the logistics or financial modules. The evidence is also insufficient to differentiate the position abroad and the proffered position from other [REDACTED] business or systems analyst positions. The petitioner has not demonstrated that the knowledge required for the [REDACTED] Functional Analyst position cannot be readily learned by similarly educated employees who otherwise possess industry-wide technical knowledge and skills.

Overall, the petitioner failed to describe the U.S. position and the position abroad with enough specificity to demonstrate that the knowledge required is specialized or advanced when compared to similar positions in the same field. The petitioner has not established that the beneficiary possesses specialized knowledge or that he has been or would be employed in a position requiring 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). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.



III. Conclusion

The petition will be denied and the appeal will be dismissed for the above stated reasons. 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. Here the petitioner has not met that burden.

ORDER: The appeal is dismissed.