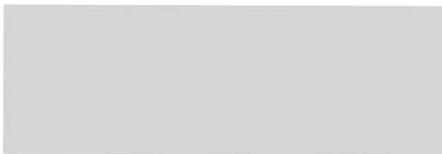




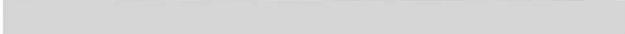
U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: JUL 14 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](http://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,

Ron Rosenberg  
Chief, Administrative Appeals Office

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

The petitioner filed this Form I-129, Petition for a Nonimmigrant Worker, 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, a Delaware corporation, designs and manufactures electronic components and devices. It is the parent company of [REDACTED] the beneficiary's employer in India. The petitioner seeks to employ the beneficiary as an electrical engineer 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 us for review. On appeal the petitioner asserts that the beneficiary possesses specialized knowledge with respect to the company's products and their application in the international market.

### 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. 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 on October 28, 2013. The petitioner indicates that it has 781 employees in the United States and has a gross annual income of \$428.2 million.

In a letter dated October 21, 2013, the petitioner indicated that it designs and manufactures electronic switches used in automobiles and has particularly developed the airbag transducer market. The petitioner emphasized that the airbag sensors are highly sophisticated and require precision to avoid accidental deployment.

The petitioner stated that the beneficiary plans, leads, coordinates, and drives the direction of design, research, and development, and production on the petitioner's [REDACTED]. The petitioner described the [REDACTED] as "an electronic front panel with all the controls for Audio Video and HVAC."

The petitioner described the beneficiary's duties at the foreign entity, as follows:

At [the foreign entity], both as a regular Engineer and an Associate Project Lead, [the beneficiary] works on [the company's] [redacted] and the [redacted] that [the company] designs and manufactures for use by [redacted] [the company's] most important client.

[The beneficiary] designs and leads the development of [redacted]. [The beneficiary] performs designs, development, validation, and product support for [redacted] [redacted] for [redacted], design, development, validation and product support for Indicator Switch product for [redacted] and design and development of [redacted] product for [redacted]. [The beneficiary] leads a team of 10 member with supports the electrical activities our [redacted] Division in [redacted] Michigan, which includes the design release activity for [redacted] programs, [redacted] worse case circuit calculations, [redacted] tests, validation of certain failures noticed during [redacted] testing, production support, failure analysis from field/plant.

The petitioner indicated that the beneficiary controls the complete product development, including the elicitation, design, development, prototyping, implementation, and manufacturing. The petitioner stated that the beneficiary holds meetings to monitor the progress of projects and ensure timely completion. The beneficiary also analyzes technology, resource needs, and market demand to plan and assess projects. The petitioner also explained that the beneficiary directs, reviews, and approves product design or changes. The petitioner stated that the beneficiary has special abilities in performing systems-level planning and requirement mapping in the [redacted] program and is "uniquely familiar with [the petitioner's] client projects."

The petitioner described the beneficiary's current foreign duties as follows: 35% of his time in design and development of customer requirements, analyzing technology, the resources needs, and market demand; 35% managing and leading the construction of devices, coordinating and defining scope, assessing the possibility and how-to of projects; 10% conducting tests of experiments on devices; 10% constructing devices; and 10% interacting and meeting with clients, planning, and directing, review, and approving product design and changes.

The petitioner stated that the beneficiary's unique knowledge of [redacted] products is essential in the United States. The petitioner indicated that the beneficiary has an advanced and unique knowledge of the petitioner's torque sensors and angle sensor products that the company designs and manufactures for automotive clients such as [redacted] and has a deep understanding of the engineering design and production life cycle of the products.

The petitioner described the beneficiary's proposed duties in the United States as: supporting the sales team in concept development, customer meetings, tech reviews, and [redacted] responses; lead and perform all aspects of design, development, implementation, and testing of automotive electronics modules, switches, and sensors; building, testing, and verifying functionality of the magnetoelastic sensors and sensor electronics; work with research team to resolve any design related anomalies and provide feedback to the design team; oversee the integration of the field sensor configuration and design aspects with the application; troubleshooting; optimizing operating parameters of the circuits; performing testing and calibration of the magnetic sensors

and magnetometer circuits to optimize performance; validate sensor products against automotive standards; generate temperature compensation algorithms; provide guidance to the overseas development team; generate schematics and guide [REDACTED] designers to general board layouts at overseas facilities; interface with customers; teach, share knowledge, and act as a mentor for other engineers and departments; and follow the lead engineering group in design activities and problem solving.

The petitioner stated that the beneficiary received a bachelor's degree in Electronics and Communications in 1999. The petitioner indicated that the beneficiary worked at five different companies designing, developing, and testing electrical products, and has worked at the foreign entity as the Associate Project Lead since he was hired in March 2011. The petitioner further stated that the beneficiary acquired his specialized knowledge through his advanced formal engineering education and education in the petitioner's [REDACTED] products.

The petitioner stated that the foreign facility has 65 engineers, and that only two are project leads or associate project leads, with only the beneficiary serving as the expert on the [REDACTED] project. The petitioner indicated that the beneficiary was selected to fill this position due to his special expertise, demonstrated experience, and superior knowledge of the company's engineering processes, particularly as related to [REDACTED]. The petitioner explained that the beneficiary quickly grasped the development and design processes when other engineers were unable to do so.

The petitioner stated that the company's other engineers follow a specific layout and diagrams under close supervision, construct the electro-mechanical devices produced by the petitioner, assemble or install equipment or parts, and test the devices. The petitioner indicated that the Associate Project Lead must have the ability to anticipate clients' engineering needs, design products, meet with clients to discuss products, and delegate and supervise work. The petitioner stated that the beneficiary differs from the ordinary engineers in his ability to perform design with applications, sensor configuration, and most especially provide oversight from the United States to the overseas development team regarding the customers' specific engineering needs.

The petitioner indicated that to hold the position of Electrical Engineer at the petitioner, an individual must have performed lead functions in the petitioner's electrical engineering units. Specifically, they must perform electrical functions for at least five years, and then gain demonstrated experience in the design, construction and testing of the electro-mechanical devices that the petitioner produces. The petitioner explained that "in a limited number of cases, however, an employee showing exceptional and superior performance, knowledge, design and construction of products would qualify for the specialized advanced position of Electrical Engineer, even if they do not."

The petitioner also submitted the beneficiary's pay slips for the months of April through June 2013. The pay documents indicate that the beneficiary has been employed with the foreign entity as an associate project lead since March 15, 2011.

The director issued a Request for Evidence ("RFE") informing the petitioner that the evidence provided was insufficient to establish that the beneficiary possesses specialized knowledge or that he has been and will be employed in a position involving specialized knowledge. Specifically, the director suggested that the

petitioner submit a more detailed description of the beneficiary's duties; a foreign organization chart; a U.S. organization chart; the number of individuals employed in similar positions to the beneficiary; descriptions of positions similar to the beneficiary's; training records; and any patents or published material demonstrating the beneficiary's work on the petitioner's products.

In response to the RFE, the petitioner stated that the beneficiary designs and supervises the integration of technology into the studies vehicle communication trends and drivers' use of technology, and designs the user interface experience for customers using products.

The petitioner indicated that "[the beneficiary] was at the forefront of this breakthrough of products featuring field effect technology, uniquely illuminated volume and fan controls and ergonomically designed surface." The petitioner indicated that because of the work performed by the beneficiary and his team, the petitioner was accorded for the award for which were first launched on the center stacks of

The petitioner explained that other associate project leads at the foreign entity do not possess specialized knowledge of the petitioner's

The petitioner stated that the beneficiary's position is distinguished from other project leads and associate project leads due to the beneficiary's ability to manage, propose, plan, design, lead, and tutor other engineers regarding the specific needs of the customers.

The petitioner indicated that the beneficiary's knowledge of the cannot be easily transferred or taught to another individual "without the significant economic inconvenience such as going through burdensome hiring process just to find a correct fit." The petitioner stated that "we are not claiming that the advanced knowledge position of Electrical Engineer in the U.S. is specialized in the wider and global field." Rather, the petitioner asserted that the beneficiary has a specialized knowledge of the processes and procedures of the company.

The petitioner submitted an organization chart for the foreign entity's electrical department. The chart includes 25 positions. The chart places the beneficiary subordinate to a technical manager. The technical manager also oversees a Lead, Tech Lead, senior project engineer, project engineer, two associates, and two lab assistants. The chart indicates that the beneficiary has two subordinate project engineers and a subordinate senior project engineer. The beneficiary's senior project engineer oversees two associates and two trainees. One of the beneficiary's subordinate project engineers has a subordinate associate; the other does not have any subordinate employees.

The petitioner also submitted an organization chart for its Michigan office where the beneficiary will work. The organization chart contains approximately 65 positions. The beneficiary is subordinate to the group leader of electrical, who is subordinate to the chief engineer. The beneficiary's department consists of the following positions: two electrical engineers, designer, designer, two technicians, and a position identified as "electrical." There are four quality engineers placed under the director of quality, including a quality manager. There is also an advanced engineering department that has two electrical tech specialists, a mechanical tech specialist, two software engineers, a concept development manager, and a senior electrical engineer.

The director denied the petition, finding that the petitioner failed to establish that the beneficiary possesses specialized knowledge and that the positions of electrical engineer and associate project lead require specialized knowledge. The director stated that the beneficiary's duties are typical of those performed by similarly employed workers in the petitioner's industry and that the evidence is insufficient to demonstrate that the petitioner's processes and procedures are different from those applied within the industry or to establish that the beneficiary's knowledge of the organization's engineering processes, technology, methodology, and products qualifies as specialized knowledge.

The director also found that the evidence is insufficient to establish the beneficiary's education, training, and experience resulted in his possession of knowledge that is significantly different from that possessed by similarly employed workers in the industry. The director noted that the evidence does not demonstrate that the beneficiary is responsible for the development of the petitioner's engineering processes, technology, methodology, and/or products. Finally, the director concluded that the petitioner did not establish that other employees in the same field would be unable to acquire the same knowledge within a reasonable amount of time.

On appeal, the petitioner asserts that the director erroneously determined that the beneficiary's position does not require knowledge of the employer's products or processes simply because his duties are the same or similar to those in the description provided for an engineer in the U.S. Department of Labor's Occupational Outlook Handbook. The petitioner also asserts that the director erred in finding that the beneficiary could not have gained specialized knowledge due to the length of time he worked at the foreign entity. The petitioner asserts that the facts of the instant matter are analogous to a non-precedent decision issued by this office.

Further, the petitioner asserts that the beneficiary has specialized and advanced knowledge of the company's processes, procedures, and products. The petitioner specifically states that the beneficiary has specialized knowledge of its " [REDACTED] field-effect technology into the [REDACTED] " a unique and patented product. The petitioner claims that the beneficiary "designed the integration of the [REDACTED] field-effect technology into the [REDACTED] ". The petitioner indicates that the beneficiary is the only employee to define the scope of this firmware development project. The petitioner also indicates that the beneficiary works in collaboration with [REDACTED] regarding the petitioner's proprietary designs. The petitioner indicates that the beneficiary was assigned to lead a team of four people (including two regular engineers and one project engineer) for the petitioner's clients.

The petitioner asserts that the company "spent enormously" to acquire [REDACTED] technology and this specific product in 2007. The petitioner states that the foreign entity has lost some of its employees who performed a similar role, and that it would experience hardship if it is unable to transfer key employees. The petitioner indicates that the two other electrical engineers at its [REDACTED] Michigan office do not have "advanced knowledge of experience in the [petitioner's] [REDACTED] field-effect technology into the [REDACTED] ".

The petitioner provided a copy of the [REDACTED] trademark registration and a printout for [REDACTED] Technologies, demonstrating that the company registered its trademark in 2004 and was acquired by the petitioner in 2007.<sup>1</sup> The petitioner also submitted a copy of the referenced non-precedent decision.

#### B. Analysis

Upon review, the petitioner's assertions are not persuasive. The petitioner has not established that the beneficiary possesses specialized knowledge, and that he has been, and will 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 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.

Here, the petitioner has provided insufficient evidence to establish that the beneficiary has a special knowledge of the company product and its application in international markets, or that he has an advanced level of knowledge of processes and procedures of the company.

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<sup>1</sup> Although the petitioner indicated that it submitted evidence that the company has patented the [REDACTED] technology, it actually provided evidence that [REDACTED] is a registered trademark.

In examining the specialized knowledge of the beneficiary, 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.* The petitioner must articulate with specificity the nature of the claimed specialized knowledge.

The petitioner indicated that the beneficiary's duties include design, development, implementation, troubleshooting, testing, calibration, and overseeing the integration of the petitioner's products. The duties appear to be those typical of an electrical engineering position. In fact, the petitioner acknowledged that the described duties "are, by definition engineering duties." The petitioner claims, however, that the positions require special and advanced knowledge of the petitioner's products and procedures. While the current statutory and regulatory definitions of "specialized knowledge" do not include a requirement that the beneficiary's knowledge be proprietary; the petitioner might satisfy the current standard by establishing that the knowledge required to work with the petitioner's proprietary products, processes, and/or procedures is special or advanced.

Here, the petitioner did not provide the type of details regarding its [REDACTED] or sensors to demonstrate that its products are substantially different or more complex than other similar products in the automotive electronics industry. Likewise, the petitioner did not provide sufficient detail about its design, testing, calibration, integration, troubleshooting, implementation, algorithms, or schematics to explain how the processes, methodologies, or procedures differ significantly from, or are more complex than, those used in other engineering positions. 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. 1998)(citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). Without detailed information about the product or processes, it is impossible to affirmatively determine that the duties of the proffered position require specialized knowledge in the electrical engineering field. The petitioner failed to demonstrate that its [REDACTED] products are significantly different or more complex from others within the industry as to require special or advanced knowledge to perform typical engineering duties. In fact, the record indicates that the beneficiary was hired for an associate lead position despite having no prior experience with the petitioner's group or its products.

In response to the RFE, the petitioner indicated that the beneficiary works to integrate its [REDACTED] field-effect technology into the [REDACTED] products. The petitioner explained that it owns the patented [REDACTED] technology. Even if the petitioner had established that its patented [REDACTED] field-effect technology is specialized, the evidence indicates that the design engineering of [REDACTED] Technology is "centered in the [REDACTED]" and the manufacturing is performed at a facility in [REDACTED] Mexico. As the design engineering and manufacturing of the [REDACTED] product are performed by the petitioner's subsidiary at separate locations, it is unclear that the knowledge required to perform the integration of [REDACTED] technology into the [REDACTED] is special or advanced.

The petitioner also claims that the beneficiary possesses specialized knowledge specific to products designed for its major clients. Initially, the petitioner indicated that the beneficiary possesses advanced and unique knowledge of the petitioner's [REDACTED] products and the torque sensors and angle sensor products. The petitioner

and the beneficiary's supervisor further indicated that the beneficiary worked on the foreign entity's projects for [REDACTED] and [REDACTED]. However, after the director issued an RFE requesting additional evidence of the petitioner's patents, the petitioner claimed that the beneficiary worked on its patented [REDACTED] field-effect technology and award-winning [REDACTED]. The petitioner claimed that "[the beneficiary] was at the forefront of this breakthrough of [REDACTED] products featuring field effect technology" and that the beneficiary and his team performed work on the [REDACTED] models that resulted in the receipt of an award. The beneficiary began working for the foreign entity in March 2011 and it is unclear how he developed or extensively worked on technology that was implemented in 2011 model automobiles. Further, there is no evidence to demonstrate what, if any, training the beneficiary received prior to working on the [REDACTED] project. Given the amount of time the beneficiary worked for the foreign entity, the evidence does not support the petitioner's claims that the beneficiary acquired his specialized knowledge through his experience with the petitioner's products. Rather, the evidence suggests that the position does not require specialized knowledge of the petitioner's product and can be transferred to a similarly experienced engineer within a reasonable amount of time.

Furthermore, the petitioner's assertions that the electrical engineer position requires five years of experience with the foreign entity are not supported by any evidence. The evidence indicates that the beneficiary was employed by the foreign entity for less than two and a half years at the time the petition was filed, and that he was hired directly as an associate lead with responsibility for supervising engineering staff. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). To resolve the inconsistency, the petitioner vaguely asserts that certain employees with less experience may also qualify for the position, in rare situations. The vague statement is insufficient to resolve the inconsistency. There is no supporting evidence to demonstrate the actual amount of experience or training required to perform the duties of an electrical engineer with the petitioning company. The Board of Immigration Appeals has held that testimony should not be disregarded simply because it is "self-serving." *See, e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The Board also held, however: "We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available." *Id.*; *see also Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998) (noting that there is a greater need for corroborative evidence when the testimony lacks specificity, detail, or credibility).

Although the petitioner suggests that the beneficiary's knowledge is due, in part, to his education in the petitioner's [REDACTED] products; there is no evidence that the beneficiary received training in the petitioner's products. The petitioner has not clearly articulated how the beneficiary gained his specialized knowledge of its processes. There is also no evidence that the beneficiary's duties changed since he started working for the foreign entity as the associate project lead or other evidence to suggest he acquired special or advanced knowledge through his experience with the company. 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. 1998)(citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

The petitioner stated that the beneficiary designs, develops, constructs, tests, and calibrates devices. The petitioner indicated that "regular engineers" perform routine tasks under close supervision or from detailed procedures and assemble equipment and parts requiring simple wiring, soldering or connecting, duties which appear to be atypical for degreed engineers. As noted by the director, typical duties of electrical engineers or related occupations commonly involve the design, development, and testing of electrical equipment. The petitioner provided comparisons between the duties of "regular" engineers and the beneficiary, but failed to demonstrate that the beneficiary's knowledge of its products is truly special. The fact that the petitioning organization delegates limited responsibilities to its "regular" engineers and assigns more responsibilities to its Associate Project Lead does not establish that the beneficiary possesses specialized knowledge or that he was employed in a specialized knowledge capacity. There is no evidence to distinguish the beneficiary's experience or training from other similarly employed engineers or to suggest that the beneficiary's customer service or supervisory roles require specialized or advanced knowledge of the petitioner's products or processes. Further, the petitioner has not provided supporting evidence, such as official company job descriptions, showing that its "regular" engineers perform only the limited duties described herein.

Moreover, while the petitioner indicated that it has 65 engineers at its foreign entity; it submitted an organization chart containing only 25 positions. The petitioner compared the beneficiary's positions to "regular engineers." However, the organization chart depicts the existence of lead, design, associate, senior project engineer, trainee, project engineer, and lab assistant positions. Likewise, the U.S. organization chart includes positions such as: [REDACTED] quality manager, quality engineer, electrical engineers, group leader electrical, designers, systems engineers, and an advanced engineering department. The petitioner does not distinguish the beneficiary's duties and knowledge in comparison to the many different positions in his department.

As explained above, the evidence does not distinguish the beneficiary's knowledge from that of other similarly-employed workers in the petitioning organization or from workers employed within the general industry, nor does it establish that the beneficiary possesses more advanced knowledge than similarly employed individuals. Although the petitioner repeatedly claims that the beneficiary's knowledge is special and advanced, the petitioner failed to provide independent and objective evidence to corroborate such claims. 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.

The petitioner refers to an unpublished decision in which we determined that the beneficiary met the requirements of serving in a specialized knowledge capacity and asserts that the facts of this case are comparable. However, while 8 C.F.R. § 103.3(c) provides that our precedent decisions are binding on all USCIS employees in the administration of the Act, unpublished decisions are not similarly binding.

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

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and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Here, the petitioner has failed to provide sufficient probative evidence to establish that the beneficiary possesses specialized knowledge or that he has been or would be employed in a position that requires specialized knowledge. For this reason the appeal will be dismissed.

### **III. Conclusion**

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 the petitioner has not met that burden.

**ORDER:** The appeal is dismissed.