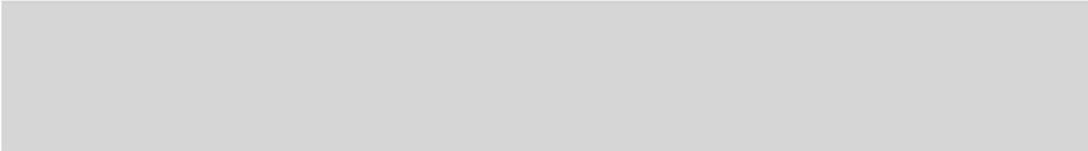




U.S. Citizenship  
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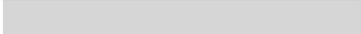


**JUN 30 2015**

DATE:

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 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 Delaware corporation established in [REDACTED] and that it engages in the development of premium cleaning, sanitation, and maintenance products. The petitioner claims to be the parent company of [REDACTED] located in [REDACTED] Canada. The petitioner seeks to transfer the beneficiary to the United States to serve in a specialized knowledge capacity, as a Field Training Specialist, for a period of three years.

The director denied the petition, concluding that the petitioner failed to 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(I)(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 (I)(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 ISSUES 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 September 22, 2014 and indicated that it currently has 45,000 employees in the United States and a gross annual income of "\$13 billion plus." The petitioner stated that the beneficiary will be working as a Field Training Specialist. In its letter of support, dated September 18, 2014, the petitioner described the beneficiary's position abroad, as well as experience, and specialized knowledge, as follows:

[The beneficiary] has been employed as one of [the petitioner's] key trainers and experts in complex pest elimination technologies and plays a critical role in advancing knowledge of the technology and service logistics internationally. The Field Training Specialist is responsible for the development and training of [the petitioner's] Field Service Specialists, who are specialized technicians responsible for developing and deploying pest elimination solutions for [the petitioner's] customers.

\* \* \*

Properly utilizing these solutions requires a comprehensive understanding of the proprietary chemicals and other technologies to properly implement thorough pest control measures.

\* \* \*

As a Field Training Specialist, [the beneficiary] is responsible for maintaining comprehensive and up-to-date knowledge of [the petitioner's] pest elimination solutions so that he may assist in developing training programs, undertake complicated training seminars, and serve as a technical expert to support [the petitioner's] field efforts. [The beneficiary] must monitor the work of Field Service Specialists to ensure that solutions are implemented effectively.

\* \* \*

[The beneficiary] initially came to [the petitioner] in July 2007, and has quickly risen to serve as one of [the petitioner's] key experts in pest elimination solutions. He has engaged in as a trainer and technical expert for over the past year. In order to train our Field Service Specialists, an individual must possess comprehensive understanding of [the petitioner's] products that can only be obtained by several years' experience at [the petitioner], such as the experience possessed by [the beneficiary]. [The beneficiary] has shown substantial aptitude in developing and implementing training programs by engaging his comprehensive knowledge of [the petitioner's] solutions.

[The beneficiary] also has substantial knowledge of our Canadian operating conditions, which includes extensive understanding of pest elimination conditions in cold climates and in market and industry conditions not typical in the United States. . . . [His] ability to provide these unique perspectives is invaluable in contributing to our international training programs, and [the beneficiary] now has substantial understanding of [the petitioner's] operations across international markets.

In his role as a Field Training Specialist . . . [he] is responsible for coaching, mentoring, and preparing new business hires to eventually assume job duties and responsibilities independently. More specifically, he develops and manages the classroom and field work portions of the training program to effectively train new employees to use [the petitioner's] pest elimination technology.

. . . [The beneficiary] facilitates quarterly in-field training at the district level, which includes additions to the Pest Elimination Program and any specialized or advanced training that he may deem necessary. . . . [the beneficiary] directly controls the new hire training . . . .

\* \* \*

[The beneficiary] has a unique understanding of our Canadian and international operations. He has obtained this from his extensive experience as a trainer with our company. His many

years working with [the petitioner's] solutions have given him a comprehensive grasp of our highly technical and unique technological and service solutions. . . . he has obtained an understanding of our international business operations. As a key trainer, he has also monitored the progress and efficacy of Field Service Specialists in all classes, and he therefore has a broad practical understanding of the application of our pest elimination solutions.

The petitioner went on to state that its pest elimination solutions are proprietary to the company and involve complex technologies and sophisticated logistics protocols that can only be obtained through experience at its company. The petitioner stated that only experience at a large company offering comprehensive solutions, such as its company, could prepare an individual to be knowledgeable enough to offer training in the diverse areas it services. It further stated that only at its company would this complex expertise be available, particularly at the level needed to serve as a trainer or technical expert.

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

[The beneficiary] will bring to the U.S. highly specialized knowledge of the technologies and logistics, as well as the training procedures used by [the petitioner] on an international level. He will provide perspective on differing conditions, such as cold climates, and industry common to Canadian operations.

The director issued a request for evidence ("RFE") on September 24, 2014, advising the petitioner that the evidence presented is 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, dated October 15, 2014, listing the beneficiary's specific duties abroad and allocating percentages of time he devotes to each, such as 20% to directing trainees in the development of service accounts, 10% on training new hires on how to schedule routes and manage time effectively, 10% to providing trainees an overview of the petitioner's products, 20% to providing classroom-style instruction on advanced techniques for pest elimination, 10% on conducting formal evaluations of trainees, 20% to developing strategies for training, and 10% to personal study to ensure current knowledge of protocols, regulations, and legislation. The petitioner further described the beneficiary's position abroad, experience, and specialized knowledge as follows:

As a Canadian expert in our pest elimination programs, [the beneficiary] will be a vital international player in providing expertise to develop international training programs. . . .

Few individuals have demonstrated the expertise to provide the training, so [the beneficiary's] services in the U.S. will be essential to our continued growth.

As a trainer, his primary responsibility is to serve as a company expert who can answer questions posed by new hires and provide trainees and existing employees up-to-date knowledge on pest elimination solutions.

. . . [Petitioner's] pest elimination techniques are therefore highly specialized beyond industry norms and require employees with highly specialized knowledge to train and oversee the company's fleet of Field Service Specialists.

\* \* \*

[The beneficiary] holds over seven years of industry experience and has assumed progressive responsibility with [the petitioner] due to his exceptional comprehension of pest elimination strategies, as well as his aptitude for conveying knowledge to new hires. [The beneficiary] is also highly trained in pest elimination strategies for [the petitioner's] institutional customers, and has specialized knowledge of pest elimination requirements for heavily regulated industries such as healthcare and food processing.

\* \* \*

[The beneficiary] teaches new hires about the proprietary products and procedures developed by [the petitioner] for serving its customers. [The petitioner's] customers are institutional customers, not retail, so specialized knowledge is required to serve customers the more complicated needs of large-scale clients. . . .

[The beneficiary] has a thorough understanding and knowledge of [the petitioner's] proprietary and scientifically-proven methods for pest elimination. This includes sophisticated package programs . . . . Implementing these programs requires a high level of understand[ing] and technical knowledge beyond normal industry standards.

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

[The beneficiary's] position will be identical to his position in Canada, with the exception that he may place more emphasis on developing strategies for training. [He] will continue to train employees during his time in the [U.S.], but will also work with management and other trainers to develop the international aspects of the training program. [His] training duties will be different from other U.S.-based trainers in that he will place significant international emphasis on training aspects. . . .

. . . [The beneficiary] will participate in the standard basic eight-week training program for new hires, and he will also be involved in providing ad hoc training on new technologies and methods. [He] will continue his efforts in evaluating progress internationally and determine how to better establish effective and flexible international training program. [He] will be a key voice in implementing increased training efforts to develop further market share internationally.

The petitioner went on to explain the impact of hiring a new employee to perform the services required by the U.S. position as follows:

[The petitioner] employs over sixteen hundred (1,600) Field Service Specialists in the U.S. alone. This comprises only 1% of the total national field technicians. . . . [the petitioner's] Field Service Specialists are very uncommon in an industry that focuses primarily on retail and smaller customers. . . .

Additionally, [the beneficiary] is one of forty nine (49) trainers responsible for training our global workforce of approximately two thousand one hundred and fifty (2150) Field Service Specialists. [The beneficiary's] knowledge is therefore uncommon for [the petitioner], as only one in forty five (1/45) technicians has achieved the proficiency and knowledge required to become a trainer.

\* \* \*

In order to become a Field Training Specialist, an employee must achieve mastery of the breadth of [the petitioner's] proprietary services. Many employees never reach this level, as achieving this level of knowledge requires aptitude, determination, and tenacity. Achieving this level of knowledge also requires extensive experience with [the petitioner's] product and service offerings, due to their proprietary nature. There is no set number of years required for achieving this position. Rather, an employee must demonstrate a high level of achievement and expertise in [the petitioner's] products. Some employees can achieve this level in five years, and many employees with five years' experience or more never become so qualified.

Forty nine trainers in the U.S. and Canada have reached the level required to be Field Training Specialists. This is roughly two percent (2%) of our total pest elimination technical workforce. No trainers exist outside the U.S. and Canada. . . . No other employees outside [the petitioner] possess this knowledge, as the knowledge is proprietary. Reaching the level of providing training with [the petitioner] pest elimination typically requires several years' experience learning about [the petitioner's] pest elimination products and services.

\* \* \*

[The petitioner's] products and services are proprietary. . . . [The petitioner's] employees providing pest elimination services require a specific knowledge of [the petitioner's] unique technologies, strategies, protocols, and practices.

\* \* \*

. . . experience at [the petitioner] would be required to have the knowledge necessary to provide training on [the petitioner's] proprietary services and products. This would

practically require several years' experience in order to gain the depth and breadth required to be a trainer.

\* \* \*

We develop proprietary chemicals and related products for sanitation, and have developed significant solutions for pest elimination. . . . Our comprehensive, bundled programs are unique, proprietary business service models. . . .

So, it is not simply our products, but our way of providing service in a methodical and calculated manner that set [the petitioner] apart. . . . We have several proprietary solutions . . .

The petitioner also described the beneficiary's training and acquisition of the specialized knowledge, as well as the difference between the beneficiary and other field service technicians within the foreign entity and throughout the industry as follows:

[The beneficiary] has obtained highly specialized knowledge in his over seven years of industry experience at [the petitioner]. At [the petitioner], employees gain highly specialized training in proprietary products and strategies for pest elimination. New hires are placed in an eight-week dedicated training program that provides the fundamentals of pest elimination strategies. Employees are then required to maintain continued education through advanced training and development with the company.

The undersigned, having knowledge of [the beneficiary's] progression with the company, attests that [he] has excelled as a top learner and has demonstrated a diligence and inquisitiveness in his time with our company that has made him one of our leading experts on pest elimination.

\* \* \*

[The beneficiary's] experience includes seven years with [the petitioner], and he has been one of a very select few who have demonstrated knowledge proficiency sufficient to become a Field Training Specialist. [He] is amongst two percent (2%) of the total pest elimination technical workforce to be recognized at this level.

\* \* \*

Accordingly, [the beneficiary] serves as one of our critical international trainers, as he is one of only two who have primary knowledge of training in a foreign country. His understanding of the difference in markets will be critical as we aim to expand into other foreign markets.

\* \* \*

[The beneficiary] undertook our initial eight-week intensive training program, and has subsequently attended numerous ad-hoc trainings during the course of his employment. Of perhaps the greatest importance, [he] has developed expansive experience over the past seven years due to this strong work ethic and commitment to excelling in his role at [the petitioner]. [He] has closely studied [the petitioner's] products and services and has demonstrated significant proficiency in managing accounts. [He] quickly became a mentor to others at the company and an expert in pest elimination. For over the last year, [he] has been serving as one of our specialized trainers, providing guidance to Field Service Specialists through use of his extensive and in-depth knowledge of [the petitioner].

The director denied the petition on October 29, 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 while it appears that the beneficiary has become competent in the use and application of the petitioner's products, services, and strategies, the petitioner has not adequately explained and provided evidence to show how this proficiency equates to specialized knowledge as contemplated by the regulations. The director noted that it appears that the beneficiary performed the same or similar duties as other workers in a similar position in the field. The director found that the petitioner did not submit sufficient documentary evidence to demonstrate that the beneficiary had received any specialized training or participated in any continued education through advanced training and development. The director noted that the petitioner did not submit an explanation or documentary evidence to show how the beneficiary achieved "mastery of the breadth" of the company's proprietary services. The director further noted that there is insufficient evidence on record to show that the products, services, and strategies pertaining to the organization are different from those applied by any Field Training Specialist or similar position working in the same industry and the assertion that the beneficiary possesses knowledge of its products, tools, and processes does not necessarily demonstrate specialized knowledge. The director noted that the petitioner's indication that the beneficiary possesses knowledge proprietary to the organization is insufficient to show that the knowledge is either special or advanced.

On appeal, the petitioner asserts that the beneficiary possesses specialized knowledge, was employed abroad in a position involving specialized knowledge, and will be employed in the U.S. in a position involving specialized knowledge. The petitioner reiterates its descriptions of the beneficiary's specialized knowledge and involvement of specialized knowledge in the position abroad and in the United States, and adds:

Pest Elimination Field Specialists at [the petitioner] are accordingly highly specialized in their field, and [the beneficiary] is even more so.

Most individuals with experience in the field from other companies would require extensive training to be able to perform the duties of [the beneficiary's] position. Training such workers is a significant financial burden for [the petitioner]. . . .

[The beneficiary's] job responsibilities include self-study of developments in technology and strategy for pest elimination. He must also research developments by communicating with experts and determine customer needs by conferring with management on a regular basis. He is required, as part of his regular duties, to cultivate a deep and detailed knowledge of

[petitioner's] pest elimination strategies, products, services so that he can serve as a central expert. . . . [He] must also monitor expertise and develop training programs to address any gaps in technician's knowledge level or service abilities.

. . . [The beneficiary's] international experience is vital for helping [the petitioner] develop training programs that will allow international expansion. . . . [His] specialized knowledge derives significantly from his understanding of the geographical breadth of [the petitioner's] services.

. . . [Petitioner] has provided substantial documentation not only that its product and services rise above the complexity of products and services in the industry, but that [the beneficiary's] level of knowledge is advanced, highly developed and rises above that others at the company.

\* \* \*

[The beneficiary] obtained specialized knowledge through experience, aptitude, and self-study[.]

\* \* \*

[The petitioner] has submitted documentation that [beneficiary] has obtained specialized knowledge through over seven years of experience with the company. . . . Accordingly, [his] seven plus years' of experience is sufficient to have obtained specialized knowledge.

[The petitioner] confirms that [the beneficiary] has gained specialized knowledge in this time frame . . . .

. . . [beneficiary] will not be directly using [petitioner's] products, services, and strategies, except to train individuals. Rather, he will be providing training to others on how to use these products and services.

\* \* \*

Specifically, [the petitioner] notes that training an individual for [the beneficiary's] position requires "several years' experience in order to gain the depth and breadth required to be a trainer." . . . [The petitioner] notes this experience must be within the company in order to learn about [its] unique proprietary products and services.

## 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 the present case, the petitioner's claims are based on both prongs of the statutory definition. Specifically, the petitioner states the beneficiary has expert knowledge of its proprietary products and processes as well as their application in international markets.

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.*

The petitioner indicates that only an experienced Field Service Specialist with "several years of experience" and similar international experience to that of the beneficiary possesses the specialized knowledge required to perform the duties of the proposed position. Therefore, one of the critical questions before us is whether the petitioner has supported its claim that the beneficiary's experience in pest elimination and his knowledge of the petitioner's claimed proprietary products and processes 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 obtained experience in Canada and his international exposure with the foreign entity, along with years of experience with the

petitioner's proprietary products and processes, has resulted in the beneficiary's specialized and advanced knowledge. However, the petitioner has not provided probative evidence establishing that its products and processes for institutional pest elimination are significantly different than others in the same industry. Every pest elimination provider seeks to eliminate pests to a client's satisfaction. Although the petitioner states that the beneficiary has developed training programs for its Field Service Specialists, the petitioner has not established how the beneficiary's knowledge of these products and processes, and his development of these particular training programs to train others on these products and processes, requires a level of knowledge that is different from what is generally possessed by similarly employed trainers in the industry. Moreover, the petitioner has not established how this knowledge, even if proprietary, 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 record is deficient in this regard. As such, we affirm the director's determination that insufficient evidence was presented to establish that the position of Field Training Specialist, as herein described, involves a special or advanced level of knowledge in the pest elimination field or related occupation.

The petitioner also claims that it is a combination of the beneficiary's training and 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 "several years of experience" is required, and adds that the beneficiary's experience abroad provides him with an understanding of petitioner's application in international markets. The petitioner specifically states that the beneficiary attended its mandatory eight-week intensive training program and has subsequently attended numerous ad-hoc trainings during the course of his employment. However, the petitioner does not provide any evidence to support this claim. The record does not include the information needed to make a comparison between the beneficiary's training and experience and that possessed by others at the foreign entity or within the industry as a whole. Although the petitioner states that the beneficiary is one of two Field Training Specialists, out of 49 total Field Training Specialists, possessing international experience within the company, the petitioner does not detail the type or amount of training that would allow other Field Training Specialists or Field Service Specialists at the foreign entity to advance to the position of the beneficiary. Rather, the petitioner notes that the beneficiary "obtained specialized knowledge through experience, aptitude, and self-study."<sup>1</sup> Therefore, while the record establishes that the beneficiary possesses the knowledge and skills required to perform institutional pest elimination services or train technicians to perform these duties, the petitioner does not establish that this knowledge is significantly different from that possessed by others within the company or 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 description of the beneficiary's current and proposed job duties and a vague explanation of how those duties require knowledge of its proprietary products and processes for institutional pest elimination, the petitioner has not identified any aspect of the beneficiary's position which involves knowledge that rises to a level that is

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<sup>1</sup> As determined above, nor did the petitioner provide supporting evidence that would establish that knowledge of its proprietary products and processes for institutional pest elimination alone constitutes specialized or advanced knowledge.

special or advanced. Specifically, the petitioner has not demonstrated what aspects of training on its proprietary products and processes would require knowledge that is particularly complex or different from what is commonly held by experienced trainers with the same skills.

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. Again, the petitioner's claim that the knowledge is proprietary must be accompanied by evidence establishing that the beneficiary possesses knowledge that is different from what is generally possessed in the industry; any claimed proprietary knowledge must still be "special" or "advanced." Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998). Specifics are clearly an important indication of whether a beneficiary's duties involve specialized knowledge, otherwise meeting the definitions would simply be a matter of reiterating the regulations. *See Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990).

For the reasons discussed above, the evidence submitted fails to 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.