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**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF K-I-, INC.

DATE: SEPT. 10, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a New Jersey corporation operating a comprehensive software consulting business, seeks to employ the Beneficiary as an L-1B nonimmigrant intracompany transferee. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before us on appeal. The appeal will be dismissed.

The Petitioner is a subsidiary of [REDACTED] located in India. The Petitioner seeks to employ the Beneficiary in the position of Technical Recruiter for a period of two years.

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

The Petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to our office for review. On appeal, the Petitioner asserts that the Beneficiary meets the requirements for L-1B classification. The Petitioner submits a brief on appeal.

#### I. THE LAW

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

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

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

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

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

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

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

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

## II. THE ISSUE ON APPEAL

The sole issue addressed by the director is 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.

A. Facts

The Petitioner filed the Form I-129 on November 3, 2014, indicating that it currently has 9,000+ employees worldwide<sup>1</sup> and a gross annual income of an estimated \$400 million worldwide. The Petitioner stated that the Beneficiary will be working as a Technical Recruiter. In support of the petition, the Petitioner submitted a letter, dated October 16, 2014, describing the Beneficiary's duties abroad as follows:

[The Beneficiary] has been employed at [the foreign entity] for about 4 years and 8 months (from February 2010 to the present) currently in the capacity of Executive – Talent Acquisition Group. He is being transferred because of his specialized and advanced knowledge of our Talent (i.e. the professional consultants and their skill sets) as well as our policies to acquire this talent. Talent Acquisition involves gathering requirements of technical resources required for the service delivery execution based on business unit specifications, setting up the interview evaluation criteria, technical validation of profiles through round of technical interview, scheduling technically validated and shortlisted candidates with technical interview panels . . . conducting the final HR . . . specific final round of interview and make a final job offer to final shortlisted candidates – follow up post offer and initiating the on boarding process. His current day to day roles and responsibilities are as follows:

- Lead recruitment efforts for Infotainment & Cluster and Mechanical Practices (Products & Services).
- Lead a team of 3 recruiters for US recruitment of Infotainment & Cluster Practice consultants.
- Technical screening & interviewing candidates with reference to job description and required skills.
- Involved in full life cycle recruitment including understanding the resource requirements, technical prescreening of candidates, coordinating technical interviews, conducting HR interviews for selected candidates, salary negotiation, offer process and closure.
- Identify, discuss and prepare resource requirements/job descriptions for various roles/positions.
- Delegate work to the team members, help and assist them to remove bottlenecks in the process, motivate them to maintain and improve their productivity.
- Evaluate work and team performance, convey feedback, recommend ways to maintain and improve team performance.
- Prepare monthly, quarterly and yearly performance report of the team and present the same to the management.
- Prepare offer in SAP eRecruitment portal.

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<sup>1</sup> We note that the Form I-129 specifically asks for the "current number of employees in the U.S." and the Petitioner did not provide that number.

- Execute on-boarding procedure of new employees.
- Prepare & submit various joining documents to ensure proper on-boarding of candidates as per company policy.
- Vendor Management – Identify agencies and vendors that can support in recruitment for designated practices.
- Monitor performance of agencies and vendors and provide performance report.
- Recruit, train and mentor new hires in the team[.]

In the same letter, the Petitioner described the Beneficiary's experience and specialized knowledge, as follows:

[The Beneficiary] has a Post Graduate Diploma in Business Management (2008) . . . Master degree in Personnel Management (2008) . . . and a Bachelor of Commerce degree (2006) . . . . [The Beneficiary] is versed in [the Petitioner's] HR policies and practices in general and as they are applied at [the Petitioner]; HR Management; HR recruitment and so on. His education and experience gained at [the foreign entity], will be of tremendous use in the position offered to him at our Company. It would be impossible to train a US worker in the knowledge that [the Beneficiary] possesses, since the knowledge was gained overseas and required at least one year of experience at [the foreign entity] in India to gain it.

\* \* \*

In summary, [the Beneficiary] has specialized and advanced knowledge of our need for talent; the type and quality of talent; our recruiting, negotiating and compensation process; the availability of in house talent; and the type and kind of skills (or talent) needed by our organization. In addition he also has developed extensive relationships with our users of the talent i.e. Business Development managers, Project managers, Technical leads and perhaps even clients. This specialized and advanced knowledge has been gained from his almost five years of progressively responsible experience with the parent company, in the same function and the in-house training that he has received.

The performance of the duties described . . . requires specialized knowledge and expertise, which [the Beneficiary] has acquired during his employment with [the foreign entity]. He will continue to perform these duties as a Technical Recruiter at [the Petitioner] . . . .

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

In the capacity of Technical Recruiter, [the Beneficiary] will lead the IT recruitment and resourcing function for North America, working with different business groups on technical resource planning, understanding and analyzing the opportunities and

identifying the right resource with various channels. He will identify and analyze specialized vendors interacting with third party local agencies and internal resource function. He will also connect with local candidates to discuss and negotiate the opportunity.

The Petitioner goes on to list the Beneficiary's day to day activities identical to those listed for his position at the foreign entity.

In the same letter, the Petitioner describes the Beneficiary's specific training and states that, in addition to the training described, the Beneficiary has also "undergone project specific training for current job duties being handled by him. These trainings are primarily targeted towards Talent Acquisition Tools, Profile Up Skilling, Systems and Process Best Practices." The trainings are listed as "Domains" and "Technologies and Tools," such as Automotive, R&D, SAP eRecruitment, Ventive, and Intra. The domains training includes "technical recruitment for Infotainment and Cluster and Mechanical line of business," Automotive includes Infotainment, Instrument Cluster, Powertrain, AUTOSAR, Body & Chassis, Diagnostics, Mechanical – CAD, and R&D includes Image processing, Cloud Computing, HPC (High Performance Computing), and Battery experts. The Petitioner goes on to list additional training, such as ACCELERATE, ongoing, 70 hours; Excel – Data Analysis, May 6, 2014, one day; Personal Effectiveness, March 12-13, 2014, two days; First Time Manager, April 9-10, 2013, two days; Leadership Skills, two days; Business Etiquette, May 2, 2012, one day; Advanced Excel, February 22, 2012, one day; TAG Certification, duration not listed. The Petitioner included a brief list of course content or topics covered for each training attended by the Beneficiary.

The Petitioner submitted the Beneficiary's resume indicating that he has been employed by the foreign entity from February 2010 to the present as an Executive – TAG (Talent Acquisition Group), and describing his responsibilities in "recruitment and resourcing" as follows:

- Currently leading recruitment efforts for Infotainment & Cluster (Products & Services) for all locations in India. Leading a team of 3 recruiters for US recruitments.
- Lead recruitment efforts for MEDS (Mechanical Engineering and Design Services), Infotainment & Cluster, CREST (R&D Group), AUTOSTAR, ADAS, PEG (process Excellence Group) within the Automotive SBU for Pune location.
- Leading a team of 8 members in daily recruitment activities.
- Involved in full life cycle recruitment including understanding the resource requirements, pre screening the candidates, coordinating technical interviews, conducting HR interviews for selected candidates, salary negotiation, offer process and closure.
- Identify, discuss and prepare resource requirements in coordination with the delivery/project managers.
- Actively involved in scheduling and conducting interview drives and campus recruitment.

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- Evaluation of work and team performance, convey feedback, recommend ways to maintain and improve team performance.
- Delegate work to the team members, help and assist them to remove bottlenecks in the process, motivate them to maintain and improve their productivity.
- Fulfilling resource requirements at all levels from developers to Project/Program Managers.
- Sourcing resumes and fulfilling resource needs through different sources – employee referrals, internal BU bench, job portals, agencies, social networking sites etc. . . [sic]
- Ensure that qualified candidates are submitted and interviewed for all assigned requisitions.
- Schedule technical interviews with the Hiring Managers, follow up on the feedback and conduct HR interviews of shortlisted candidates.
- Efficient in offer preparation for selected candidates on SAP R3/ SAP eRecruitment, offer discussion and explanation, post offer follow up and ensure timely joining.
- Preparation & submission of various joining documents to ensure proper on-boarding of candidates.
- Identify qualified bench candidates capable of being mapped against open requisitions to ensure there is no revenue leakage.
- Identified agencies that can support in recruitment for different practices.
- Monitor performance of agencies and provide performance report.
- Train and mentor new recruits in the team.
- Involved in resource allocation, extension and release par project need.

The Petitioner submitted copies of the following certificates issued to the Beneficiary:

- Delighted Customer Award (for excellent support shown in ██████ ramp up), April 30, 2013
- TAG Certification Program, May 2011
- WOW Award (for excellent support shown in ██████ and Autosar ramp ups), April 30, 2013
- WOW Award (for significant contribution in driving hiring activities for ██████ project), December 2013
- WOW Award (for hiring people on niche and difficult skills and growing the ██████ team), October 2010

The Petitioner submitted copies of the Beneficiary's pay stubs, from August 2013 to September 2014, demonstrating that he was employed by the foreign entity during that time as "Executive – TSD" from August to September 2013, "Executive – Talent Acquisition" from October 2013 to June 2014, and "Senior Executive – Talent Acquisition" from July to September 2014.

The Petitioner submitted two organizational charts, which appear to be one for the foreign entity and one for the proposed position at the U.S. company; however, both organizational charts are identical. The charts show the Beneficiary as Sr. Executive – Talent Acquisition reporting to the Director –

Talent Acquisition (North America). The Beneficiary, as Sr. Executive, supervises three Executives – Talent Acquisition in India.

The director issued a request for evidence (RFE) on November 7, 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 November 20, 2014, describing the Beneficiary's specialized knowledge and his positions abroad and proposed in the U.S. almost identical to its initial letter of support. The Petitioner provided almost the exact same description of the Beneficiary's position at the foreign entity and an identical list of 14 duties as those listed in the initial letter of support. The Petitioner also provided an identical description and list of 14 duties for the Beneficiary's proposed position in the U.S. as those listed in the initial letter of support. The Petitioner did make one change to the Beneficiary's proposed position description: the Petitioner indicated that the Beneficiary will "co-lead the IT recruitment and resourcing function for North America" rather than the indication that he would be the sole leader as claimed in the initial letter of support. The letter also included an identical list of the Beneficiary's training as that provided in the initial letter of support.

The Petitioner's response to the RFE also included an almost identical description of the Beneficiary's specialized knowledge and added:

[The Beneficiary's] advanced knowledge is that of our policies, procedures, practices, methods and pipelines . . . .

\* \* \*

His specialized and advanced knowledge is derived from 3 sources: (i) the foundation of his knowledge is his education combined with his 4+ years of experience in the TAG (Talent Acquisition Group) and the training that he has received at [the foreign entity]. (ii) this knowledge has become more focused, specialized and advanced as he has worked as an Executive – Talent Acquisition Group for the past 4+ years; (iii) he has knowledge that has become even more focused and unique (i.e. highly specialized and advanced) since he has been working exclusively with the Talent Acquisition Group ("TAG"). Thus, he does have specialized and advanced knowledge that is required in the USA. You will note that he is being transferred because of his specialized and advanced knowledge, even though he is going to be managing the TAG function in the USA.

In the same letter, the Petitioner described the experience required to perform the same duties as the Beneficiary, and stated, "this specialized and advanced knowledge can only be gained by at least one year of in-house overseas employment, doing these activities and working within the TAG Team."

The Petitioner did not provide any additional information pertaining to the Beneficiary's possession of specialized knowledge or his employment abroad and proposed employment in the U.S. in a position involving specialized knowledge.

The director denied the petition on December 15, 2014, concluding that the Petitioner had not established that the Beneficiary possesses specialized knowledge or that he has been employed abroad or would be employed in the United States in a position requiring specialized knowledge. In denying the petition, the director found that the documentation provided was insufficient to establish that the Beneficiary's knowledge of the Petitioner's processes and procedures is "advanced" or "specialized" in relation to other employees or that the Beneficiary's knowledge may be differentiated in any way from similar positions at other companies. The director further found that the documentation submitted does not indicate how the Beneficiary's skills and knowledge are advanced or uncommon within the organization or the industry at large. The director noted that the Beneficiary's skills and knowledge do not appear distinguishable from the skills and knowledge possessed by other similarly employed individuals within the organization and throughout the industry. The director also found that the Petitioner provided limited information regarding the Beneficiary's specialized or advanced knowledge or its organization's human resource needs, processes, and procedures. The director noted that, as was discussed in regards to the Beneficiary's foreign employment, the record does not support the Petitioner's contention that the use of its technologies and methodologies involves advanced and/or specialized knowledge.

On appeal, the Petitioner asserts that the Beneficiary meets the requirements for L-1B classification. The Petitioner explains that it has about 450 employees in the U.S., and about 1,100+ employees in the U.S. when taking into account its wholly-owned subsidiaries in the U.S. The Petitioner explains that in order to find and distribute talented employees throughout its company, it counts on its Talent Acquisition Group of about 60 professionals based in India and of which approximately six to eight are optimally based in the U.S. Currently, the Petitioner has 5 TAG team members in the U.S., so there is a need to get two or three more TAG team members transferred to the U.S. The Petitioner finally states that TAG is approximately 0.60% of its total employees and "a small number of these TAG employees also have advanced knowledge of the US market and the needs of US based clients as articulated by the business managers."

The Petitioner states that it does not have any additional material to submit to augment what is in the record in reference to the Beneficiary's current position abroad and proposed position the United States. The Petitioner simply reiterates that "any technical recruiter would be unable to do this job without a minimum of 1 year of doing this job at [the foreign entity] in India."

#### B. 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 its products and services or processes and procedures, the nature of the specific industry or field involved, and the nature of the beneficiary's knowledge. The petitioner should also 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. With respect to either special or advanced knowledge, the petitioner ordinarily must demonstrate that the beneficiary's knowledge is not commonly held throughout the particular industry and cannot be easily imparted from one person to another. 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 primarily based on the second prong of the statutory definition. Specifically, the Petitioner states the Beneficiary has an advanced level of knowledge of the company's products, processes, and procedures.

Because "advanced knowledge" concerns knowledge of an organization's processes and procedures, the petitioner may meet its burden through evidence that the beneficiary has knowledge of or an expertise in the organization's processes and procedures that is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the employer's operations. Such advanced knowledge must be supported by evidence setting that knowledge apart from the elementary or basic knowledge possessed by others.

Here, the Petitioner claims that the Beneficiary's advanced knowledge is that of its policies, procedures,

practices, methods, and pipelines, but does not specifically identify what any of the referenced policies, procedures, practices, methods, and pipelines are. The Petitioner simply states that the Beneficiary has specialized and advanced knowledge of its need for talent, the type and quality of said talent, the Petitioner's recruiting, negotiating, and compensation process, the availability of in-house talent, and the type and kind of skills/talent needed by the organization.

In reference to the experience required to perform the duties of the Beneficiary's position in the United States, the Petitioner indicates that the Beneficiary's specialized and advanced knowledge can only be gained by at least one year of in-house overseas employment, doing the listed activities and working within the TAG Team. Then, on appeal, the Petitioner states that there are 60 TAG team members based in India and five in the United States who all have specialized knowledge of the availability of the Petitioner's in-house talent based on business managers' input. However, the Petitioner goes on to state that only a small number of TAG employees also have advanced knowledge of the U.S. market and the needs of U.S. based clients as articulated by the business managers. Therefore, one of the critical questions before us is whether the Petitioner has supported its claim that the Beneficiary's experience in recruiting and his knowledge of the Petitioner's policies, procedures, practices, methods, and pipelines constitutes specialized or advanced knowledge.

The Petitioner in this matter has not provided sufficient probative evidence establishing the nature of the claimed specialized knowledge. The crux of the Petitioner's claim is that the Beneficiary's education, training, and years of experience in India recruiting IT professionals has resulted in the Beneficiary's specialized and advanced knowledge. However, the Petitioner has not provided probative evidence establishing that its policies, procedures, practices, methods, and pipelines for recruiting IT professionals are significantly different than those of others in the same industry. Although the Petitioner states that the Beneficiary has knowledge of its policies, procedures, practices, methods, and pipelines, the Petitioner has not established how the Beneficiary's knowledge of these requires a level of knowledge that is different from what is generally possessed by similarly employed and credentialed recruiting specialists 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 Technical Recruiter, as herein described, involves a special or advanced level of knowledge in the recruitment of talented IT professionals.

The Petitioner also states that it is the Beneficiary's specific experience at the foreign entity which resulted in his possession of specialized knowledge. Here, the Petitioner states that "this specialized and advanced knowledge can only be gained by at least one year of in-house overseas employment, doing these activities and working within the TAG Team." The Petitioner provided a list of training completed by the Beneficiary and a copy of some of his certificates. However, the record does not include the information needed to make a comparison between the Beneficiary's training and experience and that possessed by others within the organization and within the industry as a whole. Further, the Petitioner does not detail the type or amount of training that would allow other TAG team recruiters already employed or potentially hired at the foreign entity to advance to the position

of the Beneficiary. Rather, the Petitioner indicates that all of its TAG team members possess the same specialized knowledge as the Beneficiary and a small number also have the advanced knowledge of the U.S. market and the needs of U.S. based clients. Therefore, the Petitioner does not establish that this knowledge is significantly different from that possessed by others who work with similar products and processes designed for the related industry. Accordingly, the Petitioner has not established that the Beneficiary possesses specialized or advanced knowledge.

Although the Petitioner asserts that the Beneficiary's position in the United States involves specialized knowledge, the Petitioner has not sufficiently articulated or documented its claims. Other than submitting a brief description of the Beneficiary's current duties, both identical, and a vague explanation of how those duties require knowledge of its policies, procedures, practices, methods, and pipelines, the Petitioner has not identified any aspect of the Beneficiary's position which involves knowledge that rises to a level that is special or advanced. Specifically, the Petitioner has not demonstrated what aspects of recruiting talented IT professionals would require knowledge that is particularly complex or different from what is commonly held by experienced recruiters 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 Petitioner has not established 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, 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.

Cite as *Matter of K-I, Inc.*, ID# 13257 (AAO Sept. 10, 2015)