



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

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

MATTER OF M-E-, INC.

DATE: JULY 8, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a Delaware corporation engaging in the design and manufacture of electronic component devices for sale to equipment manufacturers of electronic data processing equipment, instruments, voice communications, and automotive manufacturers, seeks to temporarily employ the Beneficiary as an electrical engineer under the L-1B nonimmigrant classification for intracompany transferees. See Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1B classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee with "specialized knowledge" to work temporarily in the United States.

The Director, California Service Center, denied the petition. The Director concluded that the Petitioner did not establish that: (1) the Beneficiary has specialized knowledge or that he has been employed in a position involving specialized knowledge at the foreign entity; and (2) the Beneficiary will be employed in the United States in a position involving specialized knowledge.

The matter is now before us on appeal. In its appeal, the Petitioner submits a brief and asserts that the Beneficiary possesses specialized and advanced knowledge and has been and will be employed in a specialized knowledge capacity.

Upon de novo review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

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

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.*

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

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

II. SPECIALIZED KNOWLEDGE

The Director denied the petition based on a finding that the Petitioner did not establish that: (1) the Beneficiary has specialized knowledge or that he has been employed in a position involving specialized knowledge at the foreign entity; and (2) the Beneficiary will be employed in the United States in a position involving specialized knowledge.

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

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application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures.

A. Evidence of Record

The Petitioner filed the Form I-129 on September 10, 2015, indicating that it currently has 577 employees in the United States and a gross annual income of \$120.8 million. The Petitioner stated that the Beneficiary will be working as an Electrical Engineer.

In support of the petition, the Petitioner submitted a letter, dated September 3, 2015, stating that the Beneficiary has been employed at the foreign entity since March 15, 2011, as an Associate Project Lead, and on May 1, 2015, was promoted to Technical Manager managing five Team Leads that are responsible for six design teams. The Petitioner stated that the Beneficiary is one of two Technical Managers at the foreign entity, but is the only one with expertise in "Microcontroller based small signal applications used on [REDACTED]"¹ The Petitioner stated that the foreign entity has 125 engineers, of which 25 are on the Electrical Team managed by the Beneficiary. The Petitioner stated that the Beneficiary was selected to manage the Electrical Team due to his special expertise, demonstrative experience, and showing of superior knowledge of the company's engineering processes, specifically with respect to its [REDACTED]. The Petitioner specified that "no other Technical Managers, Project Leads, or other Engineers meet this standard," and that "Technical Managers have significantly greater knowledge and ability than regular engineers."

The Petitioner further described the Beneficiary's specialized knowledge and how it differs from others employed within the organization as follows:

[The Beneficiary's] Technical Manager responsibilities involve him serving as the expert in our [REDACTED] at [the foreign entity]. No other employee at [the foreign entity] is the expert in this domain. He is one of a few [foreign entity] employees worldwide authorized to directly collect customer specifics and requirements.

Another difference . . . is his ability to propose, plan, design, lead and most especially tutor other engineers regarding the specific needs of customers relating to our [REDACTED] technology. As Technical Manager responsible for [REDACTED] technology and the Electrical Team, [the Beneficiary] anticipates a client's engineering need, designs the engineering product, meets with clients to discuss these products and delegates and supervises the design work. The other Technical Manager leads other specialized processes and does not possess the kind of superior, advanced and special knowledge that [the Beneficiary] possesses as it relates to [REDACTED] technology. Regular engineers simply assist in the design and are not required to have the visionary abilities.

¹ The Petitioner pointed out that the other Technical Manager only works on high power electronics applications.

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....

[The Beneficiary] has particularly unique specialized and advanced knowledge compared with other engineers with respect to our [redacted] field-effect technology into the [redacted] products and design processes. Specifically, [the Beneficiary] has unique knowledge of [the Petitioner's] [redacted] products that [the Petitioner] designs and manufactures for use by its customers such as [redacted] and [redacted]. As noted, no other employee at [the foreign entity] is the expert in this domain. His special knowledge in the [redacted] products is greater than that of any other engineer or employee at [the foreign entity]. . . .

[The Beneficiary] is one of the few who have demonstrated superior and special design and development knowledge of the company's [redacted] products and design processes.

....

[The Beneficiary] is currently the only Technical Manager at [the foreign entity] engaged in the specialized process for the design and development of [redacted] technology products used by our international market clients such as [redacted] and [redacted].

....

The difference between an ordinary Engineer at [the Petitioner] and [the Beneficiary's] contemplated role as an Electrical Engineer is in the ability of [the Beneficiary] 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 Electrical Engineer's duties involve performing testing and calibration of the magnetic sensors and magnetometer circuits to optimize performance, validating sensor products against automotive standards and generating temperature compensation algorithms for our automotive clients such as [redacted].

(Emphasis in original.)

The Petitioner also stated that a person must first perform lead functions in its electrical engineering units for at least five years and then gain demonstrated experience in the design, construct, and testing of electro-mechanical devices that the Petitioner produces in order to hold the position of Electrical Engineer. However, the Petitioner pointed out that there are limited circumstances where an employee showing exceptional and superior performance, knowledge, design, and construction of

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products would qualify for the specialized advanced position of Electrical Engineer, even if the employee does not meet the five year requirement.

The Petitioner then explained the Beneficiary's specialized knowledge in its [redacted] products and how it is particularly beneficial to the Petitioner's competitiveness in the marketplace. The Petitioner stated that the Beneficiary has been at the center of this groundbreaking technology as he designs and supervises the integration of [redacted] field-effect technology into the [redacted] studies vehicle communications trends and drivers' use of technology, and then designs the User Interface experience for customers using the Petitioner's [redacted] products. The Petitioner further stated that the Beneficiary led the Petitioner's development of a unique methodology for lighting its [redacted] solutions while meeting OEM lighting specifications. The Petitioner explained that [redacted] technology is trademarked and owned by one of its subsidiary companies and a very key element of the company's business. The Petitioner also stated that the Beneficiary, having developed, designed, and prototyped the hardware for this project, possesses quite advanced knowledge than any other engineer with respect to its [redacted] products.

The Petitioner also provided a description of the Beneficiary's proposed position in the United States. The Petitioner specifically noted that the proposed U.S. position involves specialized knowledge of its trademarked [redacted] field-effect technology into the [redacted]. The Petitioner described the proposed position as follows:

In detailed lay man's terms, the position of Electrical Engineer entails supporting sales team in concept development, customer meetings, tech reviews and RFQ responses, leads and performs all aspects of design, development, implementation and test of automotive electronics modules, switches and sensors in [redacted]. This includes building, testing and verifying the functionality of the magnetoelastic sensors and sensor electronics, work closely with the research team comprising Mechanical and Electrical engineers, Physicists and technicians to resolve any design related anomalies and provide feedback to the design team of the test results, Work closely with Physicists and Mechanical Engineers and oversee the integration of field sensor configuration and design aspects with the application, troubleshoot prototype electronics, optimize the operating parameters of circuits and guide the technicians to implement changes, Perform testing and calibration of the magnetic sensors and magnetometer circuits to optimize performance, Validate sensor products against automotive standards and generate temperature compensation algorithms, perform board level and component level trouble shooting of magnetometer circuits and conduct EMC tests with outside testing agencies, Generate schematics and guide PCB designers to generate board layouts at overseas facilities and Verify electrical design aspects of the applications and provide guidance to the overseas development team.

[The Beneficiary] will interface with customer and other internal groups such as Physicists and Mechanical Engineers to achieve world class product performance and reliability, negotiate and communicate customer expectations inside and outside the

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organization, verify, plans, direct and control the work of indirect reports and provide them with formal guidance and advice. This includes supervision of outside contractors, mentoring of overseas development groups and support of product manufacturing operations. [The Beneficiary] will also teach, share knowledge and act as a mentor for other engineers and departments to develop, improve and maintain product designs, participates in development of standard procedures and best practices. He will follow the lead of the engineering group leader in design activities and problem solving, participate in improvement of personal and departmental technical capabilities and support concept development, quotations, customer builds, launches and production at company and customer plants. [The Beneficiary] will drive to resolution any technical issues encountered by the customer during their development process and in the field, coach and provide guidance to junior engineers, support customer builds, launch and production at company and customer plants, conduct design failure mode and effects analysis in coordination with other departments, provide customer support and internal organization support for electrical and electronic design and manufacturing both on a module and systems level and communicate and coordinate engineering responsibilities with product development team members globally.

The Petitioner submitted a copy of the Beneficiary's degree certificate indicating that he received a bachelor of engineering (electronics and communication) on December 24, 1999, at [REDACTED] in India.

The Petitioner submitted an organizational chart for the foreign entity showing the Beneficiary as the Tech Manager (Electrical), reporting to the Senior Engineering Manager. As the Technical Manager (Electrical), the Beneficiary supervised three Tech Leads, an Associate Prj Lead, a Senior Prj Engineer, an Adv Prj Engg, and a Lab Technician.

The Director issued a request for evidence (RFE) advising the Petitioner that the evidence presented was insufficient to demonstrate that the Beneficiary possesses special or advanced knowledge and that he will be employed in a position involving specialized knowledge in the United States. The Director noted that the Petitioner did not provide any documentation to support the assertion that the Beneficiary has special knowledge or that he has an advanced level of knowledge or expertise in the outlined processes and procedures. The Director further noted that the Petitioner did not provide documentation to support the assertion that the Beneficiary's knowledge is different from that ordinarily encountered in his field. The Director instructed the Petitioner to submit evidence to satisfy these requirements.

In response to the RFE, the Petitioner submitted a letter from the foreign entity, dated October 29, 2015, describing the Beneficiary's foreign employment and special and advanced knowledge just as previously described in the Petitioner's original letter of support. The Petitioner also submitted a letter, dated October 28, 2015, again describing the Beneficiary's specialized and advanced knowledge and proposed job duties in the United States in a manner identical to its

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original letter of support. The Petitioner stated that the Beneficiary's proposed position requires overseeing the coordination of engineering responsibilities with the [REDACTED] development team members in India, and directing product designers. The Petitioner also stated that the Beneficiary stands in a unique position to provide the necessary guidance and interface with the development team at the foreign entity in India having been a leading member at that office himself. The Petitioner further stated that the Beneficiary is the sole employee to have held a leading role in and served as an expert in the [REDACTED] products.

The Petitioner submitted a "Training Synopsis" from 2011 to 2015, for the Beneficiary, listing the following training and experience:

- A 14 hour intensive training on Signal Integrity and EMC Considerations in Printed Circuit Board Design during 2011;
- On the job training on specific patented touch sensing technologies at the Petitioner's [REDACTED] Division in June 2011;
- A two day training session on Managerial Excellence during 2011;
- A 16 hour training on Microsoft Project Software with an objective to improvise, schedule, and track project planning processes during 2012;
- Led VAVE activities from the electrical department for K2XX / 31XX programs during 2013-2014;
- Training on Hyper-lynx features during 2014;
- A 2 day training on [REDACTED] in July 2014;
- A 3 day training on "debugging techniques for EMI/EMC and ESD in July 2014;
- A 94 hour intensive training and online coursework on Six Sigma Green Belt in September 2014; and
- Training on Leadership Development in June 2015.

The Petitioner also stated that the Beneficiary is the internal trainer of DFMEA (Design Failure Mode and Effect Analysis) and has delivered three training sessions to his team members in the electrical and power electronics divisions of the foreign entity.

The Petitioner also submitted copies of the Beneficiary's training certificates as follows:

- Certificate of Completion of 24 hours of instruction on High Frequency Measurements and Noise Seminar in July 2014;
- Certificate of Participation in a two day training program on Signal Integrity & EMC Considerations in PCBs in November 2011;
- Certificate of Completion of Internal Quality Audit training in May 2012;
- Certificate of Green Belt in Six Sigma Green Belt Robust Design Techniques, completed February 20, 2015;
- Certificate of Excellence in Business Leadership on an unknown date; and
- Certificate of Completion of Leadership Development Training in June 2015.

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The Petitioner also 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.

The Director denied the petition, concluding that the Petitioner did not establish that the Beneficiary possesses specialized knowledge or that he has been employed abroad or would be employed in the United States in a position involving specialized knowledge. In denying the petition, the Director found that the Beneficiary's duties are typical of those performed by similarly employed workers in the Petitioner's industry, specifically noting that his duties are the same or similar to those in the description provided for an engineer in the U.S. Department of Labor's (DOL's) *Occupational Outlook Handbook (Handbook)*, and that the evidence is insufficient to demonstrate that the Petitioner's processes and procedures are different from those applied within the industry. 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. The Director further found 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 contends that it did not state that all Associate Project Leads and all Technical Managers perform integration of [REDACTED] field-effect technology into the [REDACTED] but rather only the Beneficiary performed such integration in both of the positions he held at the foreign entity. In fact, the Petitioner has consistently stated that the Beneficiary is the only employee at the foreign entity with this specialized knowledge. 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 DOL's *Handbook*. The Petitioner states that the Beneficiary's specialized and advanced knowledge in performing Integration of [REDACTED] field-effect technology into the [REDACTED] was not imparted solely from the listed training. Rather, his expertise was learned through both of his positions at the foreign entity that have been focused on performing this specific work. The Petitioner states that the Beneficiary has received training and acquired experience over the course of four years and such training and experience cannot be easily passed on to another employee without disruption; the training is spaced out for technical and financial reasons.

B. Analysis

Upon review of the petition and the evidence of record, including materials submitted in support of the appeal, we conclude that the Petitioner has not established that the Beneficiary possesses specialized knowledge or that he 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(I)(1)(ii)(D).

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). The petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* The Director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

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. 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.

Once a 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. 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 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.

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.

Because “special knowledge” concerns knowledge of the petitioning organization’s products or services and its application in international markets, the petitioner may meet its burden through evidence that the beneficiary has knowledge that is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the particular industry.

Because “advanced knowledge” concerns knowledge of an organization’s processes and procedures, the

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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.

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.

Here, the Petitioner claims that the Beneficiary has advanced knowledge of its microcontroller based small signal applications used on integrated automotive central stacks. Specifically, the Petitioner states that the Beneficiary has particularly unique specialized and advanced knowledge with respect to its [REDACTED] field-effect technology into the [REDACTED] products and design process. The Petitioner provided little information on its trademarked [REDACTED] technology and did not specifically identify what any of its policies, procedures, practices, and methods are as they relate to this particular technology. The Petitioner simply states, over and over again, that the Beneficiary is the only employee at the foreign entity with specialized and advanced knowledge of its [REDACTED] technology. Absent additional evidence to support this claim, we cannot determine whether 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. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (quoting *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

The Petitioner indicated that the Beneficiary's duties include design, development, implementation, and testing of automotive electronics modules, switches, and sensors in the Petitioner's [REDACTED] product. 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 sufficient details regarding its [REDACTED] or [REDACTED] technology 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. Again, 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. Without detailed information about the

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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 did not demonstrate that its [REDACTED] products are significantly different or more complex from others within the industry, such that special or advanced knowledge to perform typical engineering duties would be required. In fact, the record indicates that the Beneficiary was hired for an associate project lead position despite having no prior experience with the Petitioner's group or its products.

Moreover, in response to the RFE, the Petitioner indicated that the Beneficiary works to integrate its [REDACTED] field-effect technology into the [REDACTED] products, and explained that it owns the trademarked [REDACTED] technology. Even if the Petitioner had established that its trademarked [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 whether 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 special and advanced knowledge of the Petitioner's [REDACTED] products. The Petitioner further indicated that the Beneficiary worked on the foreign entity's projects for [REDACTED] and [REDACTED]. However, after the Director issued the RFE requesting additional evidence of the Petitioner's proprietary products, the Petitioner emphasized the Beneficiary's work on its trademarked [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, uniquely illuminated volume and fan controls and ergonomically designed surface" and that the Beneficiary and his team performed work on the 2011 [REDACTED] and [REDACTED] models that resulted in the receipt of an award.

We note, however, that the Beneficiary began working for the foreign entity in March 2011, and it is therefore 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 four years when he was promoted to Technical Manager and less than four and a half years at the time the petition was filed, and that he

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was hired directly as an Associate Project Lead with responsibility for supervising engineering staff. The Petitioner has not resolved these inconsistencies with independent, 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.

This vague statement is insufficient to resolve the noted inconsistency. The Board of Immigration Appeals (the Board) has held that testimony should not be disregarded simply because it is “self-serving.” See *Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). However, the Board further stated: “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). In this matter, 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.

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, and later Technical Manager, or other evidence to suggest he acquired special or advanced knowledge through his experience with the company. As previously noted, 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 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 did not 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 or Technical Manager does not establish that the Beneficiary possesses specialized knowledge or that he was employed in a position involving specialized knowledge. 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 125 engineers at its foreign entity; it did not submit any evidence to corroborate this claim. The Petitioner compared the Beneficiary's positions to those of "regular engineers." However, the organization chart depicts the existence of lead, design, associate, senior project engineer, trainee, project engineer, and lab assistant positions. 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 did not provide independent and objective evidence to corroborate such claims.

We do not doubt that the Beneficiary is a valuable employee who is well-qualified for the proposed position in the United States. However, based on the evidence presented the Petitioner has not established that the Beneficiary has specialized knowledge and that he has been or would be employed in a capacity involving specialized knowledge. For this reason, 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 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of M-E-, Inc.*, ID# 17165 (AAO July 8, 2016)