



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

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

MATTER OF P- LLC

DATE: JULY 26, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a full-service digital innovation partner building publishing brands in the gaming and entertainment industry, seeks to temporarily employ the Beneficiary as a senior sales executive under the L-1B nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) section 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, Vermont Service Center, denied the petition. The Director concluded that the Petitioner did not establish that it has a qualifying relationship with a foreign entity.

The matter is now before us on appeal. In its appeal, the Petitioner contends that the Director’s decision was based on an error, which it has corrected to establish that it has a qualifying parent-subsidiary relationship with a foreign entity.

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. QUALIFYING RELATIONSHIP

The Director denied the petition based on a finding that the Petitioner did not establish that it has a qualifying relationship with a foreign entity. To establish a "qualifying relationship" under the Act and the regulations, a petitioner must show that the beneficiary's foreign employer and the proposed U.S. employer are the same employer (i.e. one entity with "branch" offices), or related as a "parent and subsidiary" or as "affiliates." See generally section 101(a)(15)(L) of the Act; 8 C.F.R. § 214.2(l).

The pertinent regulations at 8 C.F.R. § 214.2(l)(1)(ii) define the term "qualifying organization" and related terms as follows:

- (G) *Qualifying organization* means a United States or foreign firm, corporation, or other legal entity which:
 - (1) Meets exactly one of the qualifying relationships specified in the definitions of a parent, branch, affiliate or subsidiary specified in paragraph (l)(1)(ii) of this section;
 - (2) Is or will be doing business (engaging in international trade is not required) as an employer in the United States and in at least one other country directly or through a parent, branch, affiliate or

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subsidiary for the duration of the alien's stay in the United States as an intracompany transferee[.]

.....

(I) *Parent* means a firm, corporation, or other legal entity which has subsidiaries.

.....

(K) *Subsidiary* means a firm, corporation, or other legal entity of which a parent owns, directly or indirectly, more than half of the entity and controls the entity; or owns, directly or indirectly, half of the entity and controls the entity; or owns, directly or indirectly, 50 percent of a 50-50 joint venture and has equal control and veto power over the entity; or owns, directly or indirectly, less than half of the entity, but in fact controls the entity.

(L) *Affiliate* means

- (1) One of two subsidiaries both of which are owned and controlled by the same parent or individual, or
- (2) One of two legal entities owned and controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each entity.

A. Evidence of Record

The Petitioner filed the Form I-129 on September 14, 2015. On the Form I-129, the Petitioner stated that the Beneficiary was employed by [REDACTED] in [REDACTED] Great Britain. Where asked to describe the percentage of stock ownership and managerial control of each company, the Petitioner simply stated "100%" without specificity.

In support of the petition, the Petitioner did not submit evidence of a qualifying relationship with the Beneficiary's foreign employer.

The Director issued a request for evidence (RFE), noting that the Petitioner did not submit evidence to satisfy the requirement demonstrating that it has a qualifying relationship with the Beneficiary's foreign employer. The Director specifically instructed the Petitioner to submit evidence of ownership and control for both the petitioning U.S. company and the foreign entity.

In response to the RFE, the Petitioner submitted the foreign entity's annual return, dated April 9, 2015. The annual return states that the foreign entity has allotted one ordinary share to [REDACTED] as of April 9, 2015.

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The Petitioner also submitted its Articles of Organization, indicating that it was formed as a limited liability company in Florida on October 10, 2007, and its Articles of Amendment to Articles of Organization showing a name change on August 19, 2014.

The Petitioner submitted an Amended and Restated Operating Agreement, dated July 3, 2013, which states that the Petitioner is authorized to issue 10,888,889 total units, comprised of 9,800,000 voting units and 1,088,889 non-voting units. According to the Operating Agreement's Schedule A, Schedule of Membership Interest, dated July 2013, the Petitioner's voting membership units are distributed as follows:

Name of Member	Units/Type	Percentage Interest	Capital Contribution Amount
	4,511,920 Voting Units	46.04%	\$100,000
	1,369,060 Voting Units	13.97%	\$150,000
	1,424,920 Voting Units	14.54%	\$200,000
	1,424,920 Voting Units	14.54%	\$200,000
	922,180 Voting Units	9.41%	\$150,000
	147,000 Voting Units	1.50%	\$0
Total	9,800,000 Units	100.00%	

The Petitioner also submitted its 2014 IRS Form 1065, U.S. Return of Partnership Income, including six Schedules K-1, Partner's Share of Income, Deductions, Credits, etc., as follows:

- Partner 1 – [REDACTED] – 46.04% shares of Profit and Loss and 44.327874% Capital
- Partner 2 – [REDACTED] – 13.97% shares of Profit and Loss and 14.069189% Capital
- Partner 3 – [REDACTED] – 9.41% shares of Profit and Loss and 10.299119% Capital
- Partner 4 – [REDACTED] – 14.54% shares of Profit and Loss and 15.126376% Capital
- Partner 5 – [REDACTED] – 14.54% shares of Profit and Loss and 15.126535% Capital
- Partner 6 – [REDACTED] – 1.5% shares of Profit and Loss and 1.050906% Capital

The Director denied the petition on November 6, 2015, concluding that the Petitioner did not establish that it had a qualifying relationship with a foreign entity. The Director noted that the Petitioner claimed that it owned 100% of the foreign entity. However, the Director found that the foreign entity's annual return stated that the foreign entity is solely owned by one individual, [REDACTED] and the Petitioner's tax returns show that it is owned by six different partners. Thus, the Director found that the evidence does not establish that a parent relationship between the Petitioner and foreign entity, or any other qualifying relationship, exists as the sole owner of the foreign entity does not have majority ownership and control of the Petitioner.

On appeal, the Petitioner states the following:

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[The Director's] findings were based on a filing error whereby our UK Annual Report failed to establish a parent/qualifying relationship between the U.S. and foreign entity. We have since filed the appropriate documentation changing [REDACTED] (UK) to a wholly-owned subsidiary of [REDACTED] (US)

In support of the appeal, the Petitioner submits a Stock Transfer Form transferring one unit of the foreign entity from [REDACTED] to the Petitioner on November 23, 2015.

The Petitioner submits a letter from [REDACTED] dated December 1, 2015, confirming that [REDACTED] (UK) is a wholly-owned subsidiary of the Petitioner.

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 it has a qualifying relationship with a foreign entity.

The regulation and case law confirm that ownership and control are the factors that must be examined in determining whether a qualifying relationship exists between United States and foreign entities for purposes of this visa classification. *See Matter of Church Scientology International*, 19 I&N Dec. 593 (Comm'r 1988); *see also Matter of Siemens Medical Systems, Inc.*, 19 I&N Dec. 362 (Comm'r 1986); *Matter of Hughes*, 18 I&N Dec. 289 (Comm'r 1982). In the context of this visa petition, ownership refers to the direct or indirect legal right of possession of the assets of an entity with full power and authority to control; control means the direct or indirect legal right and authority to direct the establishment, management, and operations of an entity. *Matter of Church Scientology International*, 19 I&N Dec. at 595.

The Petitioner claimed a parent-subsidary relationship between it and foreign entity, but did not provide any evidence demonstrating that the Petitioner owned and controlled the foreign entity or vice versa. Rather, the Petitioner submitted clear evidence that, at the time of filing, the foreign entity was solely owned by [REDACTED] and the Petitioner was owned by six individuals, one of which is [REDACTED] owning 13.97%. This ownership structure does not establish that the Petitioner and foreign entity have a qualifying relationship as either parent-subsidary or as affiliates.

Upon receipt of the Director's decision, the Petitioner now, on appeal, submits new evidence that it transferred [REDACTED] sole ownership of the foreign entity to the Petitioner on November 23, 2015, two months after the filing date of this petition. As such, this new qualifying relationship was established after the filing of this petition and cannot be considered in these proceedings. A visa petition may not be approved based on speculation of future eligibility or after the Petitioner or Beneficiary becomes eligible under a new set of facts. *See, e.g., Matter of Michelin Tire Corp.*, 17 I&N Dec. 248 (Reg'l Comm'r 1978); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm'r 1971). A petitioner may not make material changes to a petition in an effort to make a

deficient petition conform to United States Citizenship and Immigration Services (USCIS) requirements. *Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998).

Based on the evidence in the record, the Petitioner has not established that it had a qualifying relationship with the foreign entity at the time of filing.

III. SPECIALIZED KNOWLEDGE

Beyond the decision of the Director, we find that the Petitioner has not established that: (1) the Beneficiary has specialized knowledge; (2) the Beneficiary has been employed in a position involving specialized knowledge at the foreign entity; and (3) 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 application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures.

A. Evidence of Record

On the Form I-129, the Petitioner indicated that it currently has 50 employees in the United States and a gross annual income of \$27,543,052.72. The Petitioner stated that the Beneficiary will be employed a senior sales executive.

In support of the initial petition, the Petitioner did not submit evidence of the Beneficiary's qualifications, his specialized knowledge, or information to establish that he has been employed abroad and will be employed in the United States in a position that involves specialized knowledge.

In the RFE, the Director advised the Petitioner of the evidentiary deficiencies and instructed the Petitioner to submit evidence to satisfy these requirements.

In response to the RFE, the Petitioner submitted three letters, all dated October 23, 2015. In its first letter, the Petitioner discussed the Beneficiary's proposed position in the United States and the knowledge requirements for the position. The Petitioner stated that it requires a senior sales executive in the United States with a detailed knowledge of the European video games market and at least five years of experience in this area. The Petitioner went on to outline the requirements for the position and describe the proposed position in the United States as follows:

The key attributes for the U.S. position are:

- Minimum 5 years specialist sales experience in the European video games market, its process & procedures
- A detailed understanding of [the Petitioner's] European gaming sites and what they offer advertisers
- Contacts and a network at the major video game publishers in the U.S. and Europe

The new position will spend 100% of their time presenting [the Petitioner's] websites to gaming clients to expand and secure increased U.S. advertising revenues. The position is different to existing roles in that experience in the European market is of utmost importance. The European website market currently employ an EU based [Petitioner's company] specialist to represent them in the U.S. However the volume of business is constrained due to "long range" issues such as, time differences, the inability for face to face client/specialist contacts and detailed negotiations to close deals. Having an employee with experience of the European gaming market based in the U.S. is critical to our company's plans for growth.

.....

The U.S. position also requires detailed understanding of how European gamers respond to advertising and what form of advertising will produce the best results for a European audience of U.S. products. The position requires knowledge of previous successful European advertising campaigns, process and procedures to ensure our organization receives sufficient advertising from both the U.S. and EU market. This type of knowledge can only be acquired from years of experience in the European games market. It's this experience within Europe that makes it necessary for us to relocate an employee from our UK office to the U.S.

Using our EU specialists' processes & procedures, we were able to expand our revenue in the UK office

In its second letter, the Petitioner discussed the Beneficiary's knowledge and experience in the industry. The Petitioner stated that the Beneficiary has worked with the foreign entity for just over three years as its "Specialist Sales Person in the European games market" and has proven to be an

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expert at selling the Petitioner's European website traffic to advertisers. The Petitioner went on to describe the Beneficiary's knowledge and experience as follows:

His level of experience in this field is second to none having worked in the European games market for the last 10 years. He has previously worked in an official Account Manager capacity for [REDACTED] and [REDACTED] in Europe. In addition, his knowledge of [the Petitioner's] European sites and audience is at an expert level having worked on them for us for the previous three years. His previous employment was with Future Publishing, who are a market leader in the European gaming market. He was their Sales Person of the Year in 2012 based on his outstanding knowledge of the European gaming market. . . .

Our competitors . . . each have a dedicated sales person with an in depth knowledge of their own websites and the European market in general. . . . [The Beneficiary] has 3 years' experience of our websites and 10 years in the European market. Moving [the Beneficiary] to the U.S. will instantly enable us to grow our revenue within the United States. It is highly unlikely for us to find a suitable replacement within the U.S. as the key requirements are experience within the European gaming market and thorough knowledge of our own unique business model.

. . . . Only working on our websites for a number of years can give an employee the knowledge base they need to represent us properly, especially our European websites.

[The Beneficiary] also has a proven track record in knowledge transfer based on good interpersonal, leadership, team building & motivation skills and behaviors to act as a catalyst in building a world beating team here in the United States.

In its third letter, the Petitioner discussed the Beneficiary's current position at the foreign entity and the knowledge requirements for the position. The Petitioner stated that the Beneficiary's position abroad, EU Executive Sales Manager, requires specialized knowledge of the European gaming market, specifically how to advertise video games successfully across thousands of different websites. The Petitioner went on to describe the position abroad as follows:

The position also involves providing feedback to [the Petitioner's] website technical team based in the USA. Specialist knowledge of the European gaming market with major clients such as [REDACTED] and [REDACTED] is essential. The knowledge in this position is "advanced" as in order to perform effectively in the role you need years of experience of what forms of digital advertising will work for each client and each website.

- The knowledge required for the position is different than similar positions in the industry as it requires an incredibly highly detailed knowledge of the

European gaming market. Most positions based in the UK only require knowledge of one UK market website.

- [The Petitioner] have expanded this UK position to operate internationally with thousands of websites.
- This expansive specialist knowledge is used to differentiate [the Petitioner] when presenting to clients and suggesting innovative forms of advertising on our websites.
- In the international market place the role requires convincing clients to spend advertising revenue in parts of the European market where they are not familiar. [The Petitioner's] offering is special as we need to show we understand how USA based clients should approach the European market and vice versa.
- The UK based position has proven that [the Petitioner's] expansion is constrained in the USA for USA customers due to the lack of this experience in that market place.
- The UK based position has brought on several major new clients at the top end of the industry that had previously never worked with [the Petitioner] before. . . . By having a European gaming expert local to key decisions makers enables EU companies to trust [the Petitioner] with their advertising on a global scale. This is due to creating a position with expansive knowledge and experience covering many markets and web advertising strategies.

The Petitioner did not provide any additional information pertaining to the Beneficiary's knowledge or his positions abroad and in the United States. The Petitioner submitted the Beneficiary's pay stubs as evidence of his actual employment at the foreign entity from September 2014 to October 2015.

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(l)(1)(ii)(D).

As a preliminary matter, the Petitioner indicated on its L Classification Supplement to Form I-129 that the Beneficiary is coming to the United States to open a new office. Pursuant to 8 C.F.R. § 214.2(l)(1)(ii)(F), "new office" means an organization which has been doing business in the United States through a parent, branch, affiliate or subsidiary for less than one year. Here, the Petitioner has been operating and doing business in the United States for more than one year, and as such, it cannot be considered a new office in these proceedings. As such, we will examine the evidence in light of the regulations at 8 C.F.R. § 214.2(l)(3).

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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. 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.

Alternatively, if claiming “advanced knowledge,” which 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.

In the present case, the Petitioner did not clearly identify the basis of the Beneficiary’s knowledge. Based on the information provided in the record, it appears that the Petitioner’s claims are based on the first prong of the statutory definition. Specifically, it appears that the Beneficiary is claimed to have expert knowledge of the Petitioner’s products and services and their application in international markets.

In examining a 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 in this matter has not provided sufficient evidence establishing the nature of the claimed specialized knowledge. The crux of the Petitioner’s claim is that the Beneficiary’s three years of experience at the foreign entity and career experience in the European gaming market has resulted in his special knowledge of the Petitioner’s websites for advertising to the European gaming market. However, the Petitioner has not provided evidence establishing that its website for advertising video games to the European market is distinct in comparison to others in the industry. It can be assumed that every online advertiser for the European gaming market seeks to optimize its websites in a manner that attracts those customers in the European gaming market or those clients seeking to enter the European gaming market. Although the Petitioner states that the Beneficiary has expert knowledge of how to advertise video games successfully across thousands of different websites, the Petitioner has not established how the Beneficiary’s knowledge of video game advertising requires a level of knowledge that is different from what is generally possessed by similarly employed sales executives in the industry, such that this could be considered “special.” The Petitioner did not provide a comparison between the Beneficiary, and his knowledge, and others within its company or in the industry.

Moreover, while the Petitioner stated that it is highly unlikely to find a suitable replacement within the United States, as the key requirements are experience within the European gaming market and thorough knowledge of its own “unique business model,” the Petitioner did not discuss its unique business model or clarify how it would qualify as specialized knowledge. The Petitioner also did not specifically indicate that the Beneficiary has this thorough knowledge of the Petitioner’s unique business model, how such knowledge was gained, or how this differentiates the Beneficiary from the company’s other employees or others in the industry. The Petitioner did not provide any information pertaining to the Beneficiary’s training history or that of others within the company or compare how

the Beneficiary is unique and differs from its other employees or those in the European gaming market industry. 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)).

Furthermore, although the Petitioner asserts that the Beneficiary's position abroad and proposed position in the United States involve specialized knowledge, it has not sufficiently articulated or documented its claims. Other than submitting a brief description of the Beneficiary's current and proposed position and a vague explanation of how those duties require knowledge of its website and advertisements to the European video gaming market, 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 that advertising to the European gaming market would require knowledge that is particularly distinct from what is commonly held by experienced advertisers in the European gaming market 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 position requires specialized knowledge 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." Here, the Petitioner has not articulated a sufficient basis to its claim that the Beneficiary is employed abroad or would be employed in the United States in a capacity requiring specialized knowledge. Other than submitting a general description of the Beneficiary's job duties, the Petitioner has not identified any aspect of the Beneficiary's position which involves special knowledge of the petitioning organization's product, service, research, equipment, techniques, management, or other interests. The Petitioner has not submitted any evidence of the knowledge and expertise required for the Beneficiary's position that would differentiate that employment from the position of senior sales executive at other employers within the industry. Simply 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)). Specifics are clearly an important indication of whether a beneficiary's duties are primarily executive or managerial in nature, otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990).

Based on the deficiencies discussed above, we find that the Petitioner has not established that the Beneficiary has specialized knowledge or that he has been employed abroad or will be employed in the United States in a position involving specialized knowledge.

IV. CONCLUSION

The petition will be denied and the appeal dismissed for the above stated reasons, with each considered as an independent and alternative basis for the decision. 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 P- LLC*, ID# 17980 (AAO July 26, 2016)