U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090

(b)(6)

U.S. Citizenship and Immigration Services

DATE: JUL 10 2014 OFFICE: CALIFORNIA SERVICE CENTER FILE:

IN RE: Applicant:

PETITION: Application to Extend/Change Nonimmigrant Status to that of a Nonimmigrant Worker Pursuant to Section 101(a)(15)(I) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(I)

IN BEHALF OF APPLICANT:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa application was denied by the Director, California Service Center.[1] The matter is now before the Administrative Appeals Office (AAO) on certification. The AAO finds that the application does not warrant approval. Therefore, the director's decision will be affirmed.

The applicant is a national of Yemen and has been residing in the United States as a student in F-1 nonimmigrant status. She filed this request to change her F-1 nonimmigrant status to that of a representative of foreign media pursuant to section 101(a)(15)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(I), based on her proposed employment with

The director found that the applicant failed to provide consistent and reliable supporting evidence to establish that she would be employed as a bona-fide media representative. Namely, the director questioned the validity of the written offer of employment and further pointed to inconsistent information with regard to the beneficiary's position title and the commencement date of her prospective employment. Accordingly, the director denied the application and certified the decision to the AAO for review pursuant to 8 C.F.R. § 103.4(a).

I. The Law

Section 101(a)(15)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(I) states the following:

> [U]pon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative if accompanying or following to join him[.]

Additionally, the regulation at 8 C.F.R. § 214.2(i) provides that an alien who is admitted to the United States under section 101(a)(15)(I) of the Act, by virtue of such admission, agrees not to change the information medium or his or her employer until the alien obtains permission from the district director who has jurisdiction over his or her place of residence. An alien who is classified as an information media nonimmigrant may be authorized to enter the United States for the duration of the employment.

Additionally, while not expressly stated in the statute or regulation, it is implied that one who enters the

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[1] Unlike other employment-based nonimmigrant visa classifications, the I nonimmigrant visa classification is not conferred by means of a petition. Rather, one who seeks classification as an I nonimmigrant must file an application at an American Embassy or consulate with jurisdiction over the applicant's place of permanent residence if the applicant resides outside of the United States or, if the applicant is already in the United States under a different nonimmigrant visa category he or she must file a Form I-539, Application to Extend/Change Nonimmigrant Status. http://www.uscis.gov/working-united-states/temporary-workers/i-representatives-foreign-media (last visited June 23, 2014). For purposes of this decision, the alien will be referred to as an "applicant."

United States with the bona fide intent of representing a foreign information medium does so for the benefit of the foreign-based office whose objective is to gather information in the United States and disseminate such to a foreign audience. *See* letter, Odom, Deputy Chief, Visa Services, V-101(a)(15)(i) (Jan. 9, 1986).

II. Facts and Procedural History

On October 25, 2012, the applicant filed a Form I-539, Application to Extend/Change Nonimmigrant Status, seeking to change her status from an F-1 nonimmigrant to that of a nonimmigrant in the I visa category. The applicant provided the following documents in support of the application:

1. A letter from counsel, dated October 18, 2012.

2. An approved application, Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status – For Academic and Language Students.

3. Photocopies of the applicant's identification card issued by the State of California and the applicant's valid passport identifying her profession as that of teacher. It is noted that the passport was issued on August 9, 2009 and was to remain valid for a period of six years.

4. A translated letter and certificate of translation for a letter dated August 30, 2012, signed by the applicant's brother, who indicated that the applicant had been hired by the to be its delegate and script writer for a two-year period commencing on August 29, 2012 and terminating on August 29, 2014. The letter stated that the employment would take place in the State of California. The letter contained contact information, which consisted of a building address, telephone and fax numbers, and two email addresses.[2]

5. A letter dated April 11, 2011 signed by who was identified as the executive manager of a company allegedly owned by The letter stated that the company specialized in advertising and marketing communications and claimed that the applicant worked for as a

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[2] The name of the claimed employing entity does not match and is at odds with entities listed in some of the other documentation submitted in support of this application. For instance, while the applicant submitted an agreement dated July 22, 2013 on the letterhead of the same document refers to the employer as this document and two others, dated August 27, 2012 and August 30, 2012, provide the web address for as a website that does not currently appear to exist. Other supporting evidence, however, includes website printouts from providing different contact information from that listed on the letters from There is no evidence to support a finding that are either one and the same entity or related entities.

television script writer and editor from May 2007 through August 2009 earning a monthly salary of $1,200.

6. A March 20, 2012 letter titled, "Clarification," signed by Mr. referred to the applicant as "one of our team in " claiming that the applicant started working for the foreign employer in 2003 as a news editor for cultural and social events and later did work as a script writer on client projects involving documentary films during which she earned a monthly salary of $1,400. Mr. indicated that the applicant later worked as a news editor and script writer for and is still "working for our agency as script writer [and] reporter" even after going to the United States "to complete high studies . . . ."

7. Printouts of pages from the website.

8. A translation of a document titled, "Temporary Certificate," indicating that the applicant obtained a baccalaureate degree in the Arabic language in July 2000 and that she later worked as an Arabic language teacher. The English translation of the certificate shows that the certificate was issued on "05/09/2000."[3]

9. News articles from reporting political events in Yemen. The applicant did not provide news articles from

On July 1, 2013, the director issued a request for additional evidence (RFE) instructing the applicant to provide a copy of a contract between the applicant and a letter from discussing the applicant's job duties and compensation, a letter from the registrar's office verifying the applicant's enrollment from 2011 to the present, an official school transcript from and evidence of all of the applicant's U.S. residences showing the addresses and dates of residence.

In response, the applicant provided the following evidence:

1. A letter dated August 27, 2013 and signed by claiming that in her position as journalist, the applicant would be compensated $24,000 annually. Mr. indicated that the applicant's job duties would include the following: being up-to-date on news events in the United States, communicating with editors in Yemen regarding news developments that may interest the audience in Yemen, outlining news reports, taking on news assignments from editors, completing those assignments by investigating and reporting on the designated subject matter either in writing or via digital

[3] Depending on the format used to list the above quoted date, it is unclear whether the translator intended to list the date as May 9, 2000 or whether the original document used the day, month, year format, which would indicate that the date of issuance of the temporary certificate was September 5, 2009.

format, digitally transferring journalistic product, editing work per editor review, and suggesting new reporting assignments in the United States based on their relevance to audience in Yemen.

2. A journalist agreement, dated July 22, 2013, naming the applicant and as the two parties to the agreement, whose effective date was stated to be "when journalist visa status in USA is granted." The agreement bears Mr. signature representing the employer and reflects a date of July 31, 2012 as the date it was signed. The agreement indicates that the applicant signed this document on August 6, 2013.

3. A photocopy of the applicant's State of California identification card showing an issue date of August 23, 2011. The document also contains a notation found below the photocopy of the ID card. The notation indicates that the applicant resided at the address shown on the ID card—–from December 2010 through January 2013 and that the applicant has resided at since April 2013.

4. Rent payment receipts on letterhead showing rent payments made in April and December 2011 and April and December 2012, each totaling $1,500. The receipt dated April 13, 2011 shows a prepayment for June 1 through November 30, 2011; the receipt dated December 5, 2011 shows a prepayment for January 1 through May 30, 2012; the April 1, 2012 receipt shows a prepayment for June 1 through November 30, 2012; and the last receipt dated December 7, 2012 shows a prepayment for January 4 through May 30, 2013. The receipts indicate that the applicant resided at the address through November 2012 changing to the address in January 2013.

On December 5, 2013, the director issued a notice of intent to deny the application (NOID) based on a variety of anomalies that called into question whether the applicant is genuinely eligible for classification as an I nonimmigrant. The director made note of several facts he found to be relevant to the matter at hand. First, the director observed that one of the applicant's brothers, was granted permanent resident status in the United States as a media broadcaster based on an immigrant petition filed by his employer, the same company that is purportedly seeking to employ the applicant. In his prior filing of a J nonimmigrant visa application used the email address as his contact information. Second, the director discussed the application filing history of the applicant's other brother, who was granted status as a B1/B2 nonimmigrant on November 16, 2009 at the U.S. consular office in Yemen. The director pointed out that in his nonimmigrant visa application, stated that he was the owner of a business called

Next, the director described various discrepancies he observed while reviewing information that the applicant and her attorney provided. The director pointed out that while the applicant's August 9, 2009 passport, her November 16, 2009 nonimmigrant visa application, and her temporary certificate issued to the applicant by the on "05/09/2000" all indicate that the applicant was employed in

Yemen as a teacher, counsel claimed in his October 18, 2012 statement that the applicant worked in Yemen as a journalist and television news writer for six years prior to her 2010 departure to the United States.

The director observed further inconsistencies regarding the applicant's profession and proposed employment in various supporting documents in the record. Namely, in a notice of job offer, dated August 30, 2012, who identified his position title as that of general manager, stated that the applicant would be employed in the United States as a delegate and script writer starting on August 30, 2012 and continuing for a two-year period. However, in the July 22, 2013 journalist agreement that was described above, stated that the applicant would be employed as a journalist with the employment commencement date yet to be determined. The director also questioned why, if was offering the applicant employment with he provided contact information belonging to his brother, in each correspondence that addressed the applicant's proposed employment. This anomaly resulted in the director questioning whether was authorized to issue an offer of employment, which if offered by a non-authorized party, would indicate that the offer itself was not valid. In general, the director expressed concern over the reliability of the information offered in the applicant's supporting documents, particularly those that were signed by the applicant's brother or by a representative of , a company which is owned by the very brother who signed the applicant's letters of employment. The director determined that in light of the questionable supporting evidence the applicant submitted, her application does not appear "truthful" and thus does not warrant approval.

In response to the NOID, counsel for the applicant submitted a letter dated December 31, 2013 addressing the director's adverse findings. Counsel first turned to the applicant's temporary certificate from the year 2000 and the more recent documents identifying the applicant's occupation as that of a teacher. Counsel dismissed the documents in question as "proof of nothing," implying that the documents were outdated and did not take into account the possibility that the applicant could have engaged in freelance journalism regardless of whatever occupation was specified in earlier documents. Counsel sought to reconcile an apparent inconsistency between the applicant's documented and alleged occupations by stating that freelance journalists typically embark on "a variety of occupations while pursuing a career as a member of the media," inferring that teaching was something the applicant did when a position in the field of journalism was unavailable.

Counsel also objected to the director's comments that questioned the validity of the employment verification letters that were signed by the applicant's brother. Counsel deemed it as "normal business practice" when someone other than the owner of an employing business signs letters of employment. Counsel further contended that the director's adverse findings were arbitrary, capricious, and an abuse of discretion. Lastly, counsel dismissed the director's finding that the terms "journalist" and "delegate" are inconsistent. Rather, counsel asserted that the two terms are interchangeable, explaining that a journalist is in effect a delegate of the employing news agency. Counsel supported his assertion by providing the dictionary definition of the term "delegate."

On January 15, 2014 the director denied the application, concluding that the applicant failed to establish that she is a bona fide representative of a foreign press, radio, film, or other foreign information medium. The director reviewed the applicant's prior submissions and addressed the additional assertions counsel made in response to the NOID. While the director agreed with counsel's assertion that an offer of employment does not have to be made by the owner of the prospective employer, she properly pointed out that in the present matter the applicant has not provided evidence to establish that the individual who signed the previously submitted employment letters, was working for the claimed employer—–and that he was authorized to sign the letters extending the employment offer.

The director further stated that U.S. Citizenship and Immigration Services (USCIS) cannot rely on counsel's claims as evidence that a journalist and a delegate are both terms that were intended to apply to the applicant's proposed position, particularly given the director's earlier findings of various anomalies, which include not only references to the proposed employment by different position titles, but also inconsistent dates for the proposed employment. Finally, the director pointed out that neither the applicant's prior employment as a teacher nor the overall lack of prior journalism or media experience would have led to an adverse finding. Rather, the director explained that the denial was a direct result of the applicant's submission of deficient supporting documents that contained inconsistencies and were therefore deemed unreliable. Accordingly, in light of the inconsistent claims and the deficient supporting evidence, the director found that the applicant failed to establish eligibility to be classified as a nonimmigrant in the I visa category.

In response to the director's adverse decision, counsel has provided a statement dated February 10, 2014 addressing the director's various findings. An analysis of this response and the relevant supporting evidence is provided in a comprehensive discussion below.

III. Discussion

In order to establish eligibility for the I nonimmigrant visa classification, the applicant must show, in part, that she is coming to the United States for the purpose of being a bona fide representative of a foreign information medium. Whether the applicant meets the bona fide representative criterion hinges on the probative value and quality of the evidence the applicant offers in support of the application. Inherent to this requirement is the existence of a bona fide job offer without which the alien would have no basis for employment in the United States. In visa petition or application proceedings, the burden is on the petitioner or the applicant to establish eligibility for the benefit sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). Having that burden, the petitioner or applicant must prove by a preponderance of evidence that the beneficiary is fully qualified for that requested benefit. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

The "preponderance of the evidence" standard requires that the evidence demonstrate that the applicant's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case. *Id.* at 376 (citing *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989)). In evaluating the evidence, the truth is to be determined not by the quantity of evidence alone but by its

quality. *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, 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.

Even if the director has some doubt as to the truth, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is "probably true" or "more likely than not," the applicant or petitioner has satisfied the standard of proof. *See U.S. v. Cardozo-Fonseca*, 480 U.S. 421 (1987) (discussing "more likely than not" as a greater than 50 percent probability of something occurring). If, however, the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

In the matter at hand, the director issued both an RFE and a subsequent NOID, thereby allowing the applicant multiple opportunities to address the various evidentiary deficiencies in the record. However, the applicant continued to offer evidence that failed to address certain key issues concerning the credibility of the claims being made, thus giving the director sufficient cause to question whether the alien's claimed purpose for coming to the United States, i.e., employment as a bona fide foreign media representative, is valid.

A. Employment of Bassam Al-Khaled

One of the foremost concerns the director addressed in her decision is the lack of evidence showing that the individual who signed the applicant's letters of employment and extended the job offer to the applicant, had the authority to sign the applicant's job offer letters. Namely, aside from the familial relationship between who signed the applicant's letters of proposed employment, and whose claim of employment with was the basis for the approval of his nonimmigrant visa application, there is no evidence in the record to show that are either one and the same entity or related entities or, more importantly, that these entities employ or previously employed To the contrary, as noted in the director's decision, nonimmigrant visa application and supplement indicate that he owned and worked for not when he entered the United States as a B1/B2 nonimmigrant in January 2010.

Despite counsel's most recent statement objecting to the director's questions pertaining to the validity of the offer of employment, counsel does not explain why the applicant has failed to provide proof of employment with and his signatory power on behalf of It is highly relevant to determine whether or not the person who signs a job offer letter is employed by or acts as an authorized agent for the entity on whose behalf he/she makes that representation, as any job offer that is made by someone who is not authorized to take such action would be deemed invalid and would not establish a basis for the approval of an I nonimmigrant application. Here, the very fact that claimed ownership of and employment with

at the time of his B1/B2 nonimmigrant entry in January 2010 gives the director a sufficient basis to question whether the same individual was actually employed by as indicated in the job offer letters Mr signed.

Further contributing to the question of alleged employment with and the validity of the applicant's employment offer with the same employer was the fact that the contact information listed on the applicant's letters of proposed employment did not belong to despite his claimed position as general manager of and the underlying inference that he not only had the authority to sign on behalf of the prospective employer, but that he was authorized to extend a job offer and set the terms of the employment, including the duties to be performed, the duration of the proposed employment, and the amount of compensation the beneficiary would receive. Despite the concerns the director expressed in the NOID about the fact that contact information was included in all of the letters dealing with the applicant's proposed employment, counsel dismissed the director's observations as insignificant, stating that acted on behalf of the proposed employer by signing the applicant's letters of employment, an action that counsel asserted to be a reasonable business practice. Without documentary evidence to support the claim, however, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

As discussed above, counsel did not offer any evidence to establish that employed as its general manager, or in any other capacity, on the dates he signed the applicant's employment letters. In addition and as also noted above, there is no evidence in the record that and are either one and the same entity or related entities. On the contrary, while it appears that may be a real foreign news agency or information medium, the same cannot be said of or the other entities named herein. First, the website for does not currently appear to exist and is different from that of Second, the contact information (i.e., address, telephone and fax numbers, e-mail addresses and domain names, and websites) listed on the letters from do not match that provided by on its website. Moreover, even though the director specifically requested a contract and letter from " the applicant only provided an agreement and letter on the letterhead of This failure to submit requested evidence that precluded a material line of inquiry is sufficient grounds in itself to deny the application. *See* 8 C.F.R. § 103.2(b)(14).

Moreover, as the applicant's claim hinges on the validity of the statements made in employment letters, the fact that the record lacks evidence establishing that (a) was employed by the proposed employer, and (b) was authorized to sign the applicant's employment letters on behalf of undermines the applicant's credibility with regard to all of the claims made in this application. Doubt cast on any aspect of the petitioner's or applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa application. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

B. The Applicant's Profession and Employment History

Another key factor that undermines the claim that the applicant will be employed as a bona fide foreign media representative is the lack of evidence and inconsistent information surrounding the applicant's profession and employment history in her native country of Yemen. Despite counsel's reference to the applicant's employment history as "immaterial," such inconsistencies can and should be considered when evaluating the totality of the evidence and, specifically, the validity of the applicant's job offer.

While there are no statutory or regulatory provisions that require the applicant of the instant nonimmigrant visa application to establish that she has prior experience as a foreign media representative, the record shows that counsel, , and all claimed that the applicant does in fact have work experience with news media, and two of those individuals—counsel and Mr. —claimed that the applicant's employment history is specifically with However, a review of the submitted evidence shows that the specific facts that counsel put forth with regard to the applicant's employment history were different from those put forth by whose claim appears to be based on his own employment with in Yemen, and whose letter from April 11, 2011 indicates that he was employed as an executive manager of where the applicant was also allegedly employed.

According to counsel's original supporting statement dated October 18, 2012, the applicant "worked as a journalist and television news writer for six years" prior to coming to the United States in 2010 as a B1/B2 nonimmigrant. This claim combined with the claim that the applicant worked for indicate that her employment with that organization in Yemen commenced in 2004. However, according to letter, dated March 20, 2012, the applicant was a member of news team since 2003. She purportedly started working as a news editor for cultural and social events and subsequently became a script writer on documentary film projects, ultimately moving on to the role of news editor and script writer until her departure to the United States. Further, despite the fact that the record has no evidence to indicate that the applicant has obtained employment authorization to work in the United States while in F-1 status, Mr. alluded to the applicant's continued employment with claiming that the applicant is "still working for our agency as script writer [and] reporter."

Adding to the disparate accounts of the applicant's counsel and the April 11, 2011 letter of provides a third set of allegations pertaining to the applicant's employment history. Specifically, Mr. who identified himself as the executive manager of indicated that the applicant was employed at from May 2007 until August 2009 as a script writer and program editor and earned a monthly salary of $1,200.[4]

[4] It is unclear why Mr used two different names to refer to what is assumed to be the same organization.

While there are some similarities in the information put forth by the applicant's counsel, a comparison of the three statements shows that no two accounts are consistent with regard to the dates and duration of the applicant's alleged employment in the media sector or the applicant's employer(s) prior to her entry to the United States in 2010. Counsel's claim that the applicant's employment with commenced in 2004 is inconsistent with Mr. claim, which indicates that such employment commenced in 2003 and was ongoing until (and possibly beyond) her departure to the United States. Mr further allegation that the applicant is "still working for our agency" lends itself to further scrutiny given that the letter in which this claim was made was dated March 20, 2012 during which time the applicant was residing in the United States pursuant to F-1 nonimmigrant visa classification and had no known work authorization.

Mr. letter creates further inconsistencies, given the claim that the applicant worked for at the same time when she was allegedly working for as claimed in statements from the applicant's counsel and the latter of whom claimed to be the owner of It is unclear why, if the applicant actually worked for a company that owns, Mr. did not mention the applicant's alleged prior employment with his own company when he discussed the applicant's employment history in the foreign news media.

Furthermore, the applicant has failed to reconcile the information in her passport and temporary certificate, both of which indicate that the applicant's occupation in Yemen was that of a teacher, with the claims that were later made by and by the applicant's counsel, all of whom claim that the applicant's occupation was in the news media field. While counsel attempts to reconcile these inconsistencies by indicating that the passport, which was issued in 2009, and the temporary certificate, which was issued in the year 2000, are both outdated, this does not explain why all of the above described letters addressing the applicant's foreign employment indicated that her employment in the media field predated the issuance of the applicant's passport. If the applicant was in fact employed in the news media field when her passport was issued, she should not have identified her occupation as that of teacher. As previously noted, it is incumbent upon the applicant or petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant or petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 591-92.

Counsel's assertion that the information in the applicant's passport and temporary certificate are "proof of nothing," does not effectively reconcile the inconsistencies. Counsel's claim that the applicant can be a member of the media despite her prior occupation as a teacher loses sight of the fact that the applicant claimed teaching rather than journalism as her profession when her passport was issued in 2009 and that this claim is materially inconsistent with counsel's own statement as well as statements made by , all three of whom claimed that the applicant was a member of the news media profession both prior and subsequent to the issuance of the applicant's passport. In other words, it is not the applicant's claim of belonging to the teaching profession that gives rise to questions regarding the validity of the applicant's employment offer. Rather, the damaging affect originates from the fact that the applicant's government issued documents that are significantly inconsistent with the claims being made in statements that have been submitted in support of the applicant's visa application.

Thus, counsel's objection to the director's consideration of the applicant's teaching certificate as a telling factor with regard to the applicant's employment history is not arbitrary, capricious, or an abuse of discretion, as counsel contends. *See Matter of Obaigbena*, 19 I&N Dec. at 534; *Matter of Laureano*, 19 I&N Dec. 1; *Matter of Ramirez-Sanchez*, 17 I&N Dec. at 506. Furthermore, if USCIS fails to believe that a fact stated in the petition is true, USCIS may reject that fact. *See also Anetekhai v. INS*, 876 F.2d 1218, 1220 (5th Cir.1989); *Lu-Ann Bakery Shop, Inc. v. Nelson*, 705 F. Supp. 7, 10 (D.D.C.1988); *Systronics Corp. v. INS,* 153 F. Supp. 2d 7, 15 (D.D.C. 2001).

Moreover, the applicant has provided no evidence, such as payroll documents or examples of her work product, to establish that she was employed with any news media organization as claimed in the supporting statements discussed above. 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) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

In this regard, the name of the applicant's proposed employer as used in the record is also inconsistent. Once again, the applicant has provided letterhead naming as the employer while the contents of that letter referred to the U.S. employer as The applicant created further confusion by having submitted another document, dated August 30, 2012, listing a web address for ' which is similarly referenced as the employing entity, while other supporting evidence includes website printouts for at

Meanwhile, the applicant has provided no evidence to establish that (a) are the same entity, (b) they are related as branches, affiliates, or subsidiaries, or (c) any or all of the entities listed above are foreign news organizations as suggested by the name As noted above, while the website for indicates that it may be an existing news organization, there is insufficient evidence in the record to support such a conclusion; nor is there sufficient evidence, such as a contract or employment offer letter from to support a finding that the applicant ever worked for or would be a bona fide representative of that news organization while in the United States.

C. The Applicant's Offer of Employment

Lastly, the applicant has failed to provide sufficient and credible evidence of a valid job offer. Specifically and as previously discussed, there is no job offer in the record from despite the director's specific request for this material evidence. In addition, with regard to the job offer from the record shows additional inconsistencies when comparing the original employment offer letter, dated August 30, 2012, with a subsequent letter of employment, dated August 27, 2013, both of which were signed by While the original employment letter indicated that the beneficiary would be employed in the position of delegate and script writer for a

two-year period to commence on August 30, 2012, the more recent letter of employment states that the applicant would be employed as a journalist "reporting on political, cultural and lifestyle developments in the USA"; no further reference was made to the original employment offer for the position of "delegate and script writer."

Moreover, while counsel attempted to address the director's observation regarding the applicant's inconsistent job titles by asserting that a journalist is in effect a delegate of the employing news agency, the dictionary definition of the term "delegate" that counsel provided in his NOID response statement dated December 31, 2013 does not reconcile the original claim that the applicant would assume the role of both a "delegate" *and* a "script writer." Further, the applicant's employment letters do not address or explain what a script writer would do for [redacted] Thus, it cannot be concluded that the claims [redacted] originally made in the August 30, 2012 job offer are consistent with the journalist agreement and employment letter dated July 22, 2013 and August 27, 2013, respectively. Finally and for the previously discussed reasons, even if the applicant's employment letters from [redacted] were consistent, they are insufficient evidence that she has been offered a qualifying representative position with [redacted]

IV. Conclusion

For the foregoing reasons, the evidence submitted fails to establish that the applicant has a bona fide offer of employment as a foreign media representative. Accordingly, the AAO will affirm the director's decision denying the application to extend the applicant's stay and to change her status to that of an I nonimmigrant foreign media representative.

In visa proceedings, the burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met. Accordingly, the application must be denied.

ORDER: The director's decision is affirmed. The application is denied.