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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services

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FILE:

LIN 08 199 52400

Office: NEBRASKA SERVICE CENTER

Date: AUG 10 2009

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree or an alien of exceptional ability. The petitioner seeks employment as a teacher at a college or university. The petitioner asserts that an exemption from the requirement of a job offer, and thus of an alien employment certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, the petitioner argues that he “will serve the national interest to a substantially greater degree across a broad spectrum that [sic] would an available U.S. worker.” The petitioner also argues that he should have received 60 days rather than 42 days to respond to the director’s request for evidence. With regard to the director’s issuance of a request for evidence, the regulation at 8 C.F.R. § 103.2(b)(8)(iii) permits the petitioner to respond “within a specified period of time as determined by USCIS.” As the regulations do not mandate any specific period of time in which to afford a petitioner the opportunity to respond to a request for evidence, the petitioner’s argument is not persuasive. Even if the director had committed a procedural error by failing to provide the petitioner 84 days in which to respond to the February 2, 2009 request for evidence, it is not clear what remedy would be appropriate beyond the appeal process itself. The petitioner has in fact supplemented the record on appeal as of May 27, 2009 (more than fifteen weeks later), and therefore it would serve no useful purpose to remand the case simply to afford the petitioner the opportunity to supplement the record with new evidence.

Section 203(b) of the Act states in pertinent part that:

(2) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability.--

(A) In general. -- Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

(B) Waiver of job offer.

(i) . . . the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A)

that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

The regulation at 8 C.F.R. § 204.5(k)(3)(i), states:

To show that the alien is a professional holding an advanced degree, the petition must be accompanied by:

(A) An official academic record showing that the alien has an United States advanced degree or a foreign equivalent degree; or

(B) An official academic record showing that the alien has a United States baccalaureate degree or a foreign equivalent degree, and evidence in the form of letters from current or former employer(s) showing that the alien has at least five years of progressive post-baccalaureate experience in the specialty.

The petitioner submitted photocopies of a Doctor of Religious Education diploma from the Faith Theological Seminary in Pennsylvania, a Doctor of Literature diploma from the Faith Theological Seminary in Pakistan, a Bachelor of Arts diploma from Shelton College in New Jersey and Florida, and a diploma from the Graduate School of Speech and Press in Korea. The occupation for which the petitioner seeks classification (teacher) falls within the pertinent regulatory definition of a profession. The director concluded that the petitioner qualifies as a member of the professions holding an advanced degree. We withdraw the director's finding in that regard. While the petitioner submitted copies of his diplomas, the record does not include an official academic record from his educational institutions demonstrating that he satisfies the requirements for an advanced-degree professional as set forth at 8 C.F.R. § 204.5(k)(3)(i).

Moreover, there is no evidence indicating that Faith Theological Seminary in Pennsylvania and Shelton College in New Jersey and Florida are regionally accredited by an organization recognized by the U.S. Department of Education (ED) as an accrediting body. The United States has no centralized authority exercising control over postsecondary educational institutions. See www.ed.gov/print/admins/finaid/accred/accreditation.html accessed on August 10, 2009, copy incorporated into the record of proceeding. Rather, to ensure a basic level of quality, private educational associations of regional or national scope have adopted criteria reflecting the qualities of a sound educational program and have developed procedures for evaluation institutions or programs to determine whether or not they are operating at basic levels of quality. *Id.* ED recognizes certain accrediting bodies for the accreditation of institutions of higher (postsecondary) education. *Id.* Thus, it is clear that accreditation from an ED recognized body ensures a "basic" level of quality. Conversely, it necessarily follows that there is no assurance that an institution that is not accredited by an ED recognized body provides that "basic" level of quality. We cannot automatically conclude that any diploma or certificate labeled a "Doctor of Religious Education" degree or "Bachelor of Arts" degree must be presumed to be a doctorate or bachelor's degree as those terms are normally understood.

Because the petitioner does not qualify as an advanced-degree professional, he cannot receive a visa under section 203(b)(2) of the Act unless he qualifies as an alien of exceptional ability. The regulation at 8 C.F.R. § 204.5(k)(3)(ii) sets forth six criteria, at least three of which must be satisfied for an individual to qualify as an alien of exceptional ability in the sciences, the arts, or business. These criteria follow below.

Regarding his plans for work in the United States, the petitioner submitted a signed declaration stating: "I, [the petitioner], am going to select or seek teaching positions at local colleges and universities utilizing my a [sic] post doctoral degree of Education that I have experienced." We note here that the regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered." Therefore, evidence submitted to establish exceptional ability must somehow place the alien above others in the field in order to fulfill the criteria below; qualifications possessed by every member of a given field cannot demonstrate "a degree of expertise significantly above that ordinarily encountered." For example, every physician has a college degree and a license or certification; but it defies logic to claim that every physician therefore shows "exceptional" traits.

An official academic record showing that the alien has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability.

The petitioner submitted photocopies of his degrees, but he has not submitted official academic records from his educational institutions. Accordingly, the petitioner has not established that he meets this criterion.

Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought.

The petitioner submitted brief appointment letters for positions he has held in Korea, but the record does not include letters from current or former employers showing that the petitioner has at least ten years of full-time experience as a teacher at a college or university. Accordingly, the petitioner has not established that he meets this criterion.

A license to practice the profession or certification for a particular profession or occupation.

The record does not include evidence showing that the petitioner has a license or certification in his profession or occupation. Accordingly, the petitioner has not established that he meets this criterion.

Evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability.

The record does not include evidence showing the petitioner's salary or remuneration for any specified period. The petitioner has not demonstrated that his income is commensurate with earnings that are

“significantly above that ordinarily encountered” in his profession or occupation. Accordingly, the petitioner has not established that he meets this criterion.

Evidence of membership in professional associations.

The record does not include evidence showing that the petitioner holds membership in professional associations. Accordingly, the petitioner has not established that he meets this criterion.

Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.

The petitioner submitted the following:

1. Citation from the City Council of Philadelphia honoring the petitioner for his participation in the “Trip of Friendship” (1997);
2. Citation from the City Council of Philadelphia honoring the petitioner for his participation in the “Trip of Friendship” and “recognizing him as an Honorary Citizen of Philadelphia” (1997);
3. A November 20, 1997 letter of appreciation from the Mayor of Philadelphia expressing thanks for the petitioner’s sponsorship of a visit by a delegation of forty individuals from Philadelphia to Incheon, Korea;
4. Proclamation from the Mayor of Pottstown, Pennsylvania naming the petitioner an honorary citizen in appreciation of his sponsorship of the “Friendship Tour” (1997);
5. Citation of Appreciation from the Mayor of Pottstown, Pennsylvania in recognition of the petitioner’s “work in building a better understanding among the different cultures of the world therefore promoting peace and harmony” (1997);
6. Certificate of Appreciation issued by the Mayor of Charlotte, North Carolina thanking the petitioner for “outstanding contributions to the community” (1997);
7. Prize Certificate (number 2049) reflecting that the petitioner was recognized by the “Society for Preparation of Foundation for Unification” for making a “contribution to the preparation of the foundation for unification, by doing his best to serve community, to unite citizens, to stabilize society, and to collect citizens’ power” (1997); and
8. Letter of Confirmation (number 2049) congratulating the petitioner on his receipt of the “Prize for Preparation of Foundation for Unification” and awarding him the “title of Pioneer for the Unification of Fatherland” (1997).

The record does not include evidence demonstrating the significance of the preceding awards to the teaching profession. Accordingly, the petitioner has not established that he meets this criterion.

In this case, the petitioner has failed to demonstrate that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(k)(3)(ii). The record does not establish that the petitioner exhibits a degree of expertise significantly above that normally encountered in his field.

Thus, the petitioner has not established that he qualifies as a member of the professions holding an advanced degree or as an alien of exceptional ability. The remaining issue to be determined is whether the petitioner has established that a waiver of the job offer requirement, and thus a labor certification, is in the national interest. This issue is now moot however, because the petitioner is ineligible under the classification sought, but the issue will be discussed below for purposes of thoroughness.

The application for the national interest waiver cannot be approved. The regulation at 8 C.F.R. § 204.5(k)(4)(ii) states, in pertinent part, “[t]o apply for the [national interest] exemption the petitioner must submit Form ETA-750B, Statement of Qualifications of Alien, in duplicate.” The petition failed to submit this document, and therefore, by regulation, he cannot be considered for a waiver of the job offer requirement. The director, however, does not appear to have informed the petitioner of this critical omission. Below, we shall consider the merits of the petitioner’s national interest claim.

Neither the statute nor pertinent regulations define the term “national interest.” Additionally, Congress did not provide a specific definition of the phrase, “in the national interest.” The Committee on the Judiciary merely noted in its report to the Senate that the committee had “focused on national interest by increasing the number and proportion of visas for immigrants who would benefit the United States economically and otherwise. . . .” S. Rep. No. 55, 101st Cong., 1st Sess., 11 (1989).

A supplementary notice regarding the regulations implementing the Immigration Act of 1990 (IMMACT), published at 56 Fed. Reg. 60897, 60900 (November 29, 1991), states, in pertinent part:

The Service believes it appropriate to leave the application of this test as flexible as possible, although clearly an alien seeking to meet the [national interest] standard must make a showing significantly above that necessary to prove the “prospective national benefit” [required of aliens seeking to qualify as “exceptional.”] The burden will rest with the alien to establish that exemption from, or waiver of, the job offer will be in the national interest. Each case is to be judged on its own merits.

Matter of New York State Dep’t of Transp., 22 I&N Dec. 215, 216 (Comm. 1998) [hereinafter “*NYSDOT*”], has set forth several factors which must be considered when evaluating a request for a national interest waiver. First, it must be shown that the alien seeks employment in an area of substantial intrinsic merit. *Id.* at 217. Next, it must be shown that the proposed benefit will be national in scope. *Id.* Finally, the petitioner seeking the waiver must establish that the alien will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications. *Id.* at 217-18.

According to the documentation submitted by the petitioner, his range of experience includes religious studies, church leadership, literary studies, community activism, cultural exchange, business matters such as advertising and travel management, oversight of the criminal rehabilitation system in Incheon, Korea, and workshop instruction. As indicated in his statement accompanying the petition, the petitioner intends to “seek teaching positions at local colleges and universities.”

We concur with the director that the petitioner seeks employment in an area of intrinsic merit, teaching. We withdraw, however, the director's finding that the petitioner has established that the proposed benefits of his work would be national in scope. *Id.* at 217 n.3, provides examples of employment where the benefits would not be national in scope:

For instance, pro bono legal services as a whole serve the national interest, but the impact of an individual attorney working pro bono would be so attenuated at the national level as to be negligible. Similarly, while education is in the national interest, the impact of a single schoolteacher in one elementary school would not be in the national interest for purposes of waiving the job offer requirement of section 203(b)(2)(B) of the Act. As another example, while nutrition has obvious intrinsic value, the work of one cook in one restaurant could not be considered sufficiently in the national interest for purposes of this provision of the Act.

Id. While the petitioner seeks to waive the job offer requirement, he must still establish the type of employment he intends to pursue and explain how the benefits of that proposed employment will be national in scope. In response to the director's request for evidence, the petitioner submitted a statement addressing how his "proposed position will be national in scope."

I believe much of what I have taught in Korea can also be taught here and benefit many. Each culture has something unique and different to teach. This is who I am.

I am greatly concerned about the well being of the American people. Health care and the health of the environment are among my highest objectives. I believe I can make a difference on a national level someday. Oceans are being contaminated by the dumping of toxic wastes and worldwide global climate change is only making it worse. I can help here.

* * *

My story is not yet finished. I have more to go, more to share, more to create. I want to do it here, I can make these things a part of my future, a part of my destiny.

* * *

I truly believe that I can and will serve the national interest to a much greater degree than many and I have demonstrated that here. I will be able not just to find work but to create it. I won't just know employment but self-employment, and by making it grow, it will extend to others here just as it did there.

As I look across now to the United States economy, and how it is suffering, I believe I can help on some small level but I will aim for more and I will aim to help as much as I can with my ideas and my experience and by taking action. I have seen these crises before and I know how to act and what to do because we are all connected.

With regard to his work as a teacher at a college or university, the petitioner's statement does not explain how the benefits of that position would extend beyond his employer such that they might have a national impact. The petitioner's statement mentions issues such as healthcare, the environment, and the U.S. economy, but there is no evidence showing that the petitioner has impacted these areas in the past or that his teaching position, or unspecified self-employment, will provide benefits in these areas that are national in scope. Rather, it would appear that the services of a teacher at a local college or university would be so attenuated at the national level as to be negligible.

It remains, then, to determine whether the petitioner will benefit the national interest to a greater extent than an available U.S. worker with the same minimum qualifications. We note that, while the national interest waiver hinges on *prospective* national benefit, it clearly must be established that the alien's past record justifies projections of future benefit to the national interest. *Id.* at 219. The petitioner's subjective assurance that the alien will, in the future, serve the national interest cannot suffice to establish prospective national benefit. The inclusion of the term "prospective" is used here to require future contributions by the alien, rather than to facilitate the entry of an alien with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative. *Id.*

Eligibility for the waiver must rest with the alien's own qualifications rather than with the position sought. In other words, we generally do not accept the argument that a given field is so important that any alien qualified to work in that field must also qualify for a national interest waiver. At issue is whether this petitioner's contributions in the field are of such unusual significance that he merits the special benefit of a national interest waiver, over and above the visa classification sought. By seeking an extra benefit, the petitioner assumes an extra burden of proof. A petitioner must demonstrate a past history of achievement with some degree of influence on the field as a whole. *Id.* at 219, n. 6.

In support of the petition, the petitioner submitted several brief appointment letters for positions he has held in Korea. The appointment letters do not include any discussion of the petitioner's specific achievements in the field. The petitioner also submitted letters of recommendation.

[REDACTED], Academic Dean, California Union University, states:

I have known [the petitioner] in variety of capacities for several years. [The petitioner] is well organized, efficient, extremely competent, and has an excellent rapport with people of all ages. His communication skills, both written and verbal are excellent.

[The petitioner] is a careful and creative thinker with an eye for details and a devotion to logic, while serves his well both in the education and outside them.

[The petitioner] is not only a professional, but he is also personally delightful. As I got to know [the petitioner] over the years, I became only more impressed by the wide range of his abilities. He is an accomplished educator and a scholar.

Upon his completion of undergraduate degree for Bachelor of Art, he continued to pursue his schooling, earning a Master of Theology, a Doctor of Arts, and finally a Doctor of Education. [The petitioner] has shown his strong commitment to international good relations between the United States of America and Republic of Korea as an active leader. [The petitioner] has spent considerable time outside of his full time employment. He made arrangements to invite over forties [sic] civic leaders every year for "Trip of Friends" to visit Korea from the State of Pennsylvania, by funding this project for himself. And this meaningful project still continues by his successor.

This is good example of his unselfishness to involve community activities. He was recognized and awarded an honor citizenship from the participating city's Mayors for his accomplishments.

[REDACTED], Chairman of Board, Reformed University, states:

As two years time, I have come to know [the petitioner] well in personally and his professionalism.

I am very proud of his academic achievements. He has one Master degree in Theology. And two Doctors degrees in Arts and Education. I have no doubt that this gentleman is intelligent, devoted and a great asset where he is belong to.

[The petitioner] has started a local church with a handful of people and he increased church membership well over 3,200 congregations upon his departure from his homeland.

[The petitioner] has donated countless hours of his time to the community activities. He has also helped to implement plans and programs that will enrich the lives of those around him. [The petitioner's] leadership and organization skills have been invaluable to this program.

Especially, he pioneered a special project named "Trip of Friends" for over 40's [sic] American civic leaders to visit Korea every year and he funded this project by himself.

He was awarded numerous times by accomplishing many other projects that he personally involved.

[REDACTED], President, California Union University, states:

It gives me great satisfaction to recommend [the petitioner] for a candidate as a category to posses extraordinary ability. This gentleman is highly professional in both dress and demeanor. I must also make note of his exceptional academic achievements. He earned one master degree in Theology, and two Doctors degrees in Arts and Education.

[The petitioner] is such a passionate and prolific speaker that he needs a steady supply to maintain his voice. He is a great educator and a scholar from his backgrounds.

[The petitioner's] impact has even been felt outside of his full time jobs. I have seen many examples of his talent and have been inspired by his delight and work habit. He is able to successfully complete multiple tasks with favorable results on deadline pressure. [The petitioner] has shown an ongoing interest in world affairs and international developments. He demonstrated his leadership by organizing a special project "Trip of Friends" which made possible that many Americans could visit to Korea ever year.

[The petitioner] not only headed this project, he ensured it [sic] success by funding himself.

With regard to the petitioner's educational qualifications and job experience, objective qualifications and experience necessary for the performance of a position can be articulated in an application for alien labor certification. Pursuant to *NYS DOT*, 22 I&N Dec. at 215, an alien cannot demonstrate eligibility for the national interest waiver simply by establishing a certain level of training, education, or experience that could be articulated on an application for a labor certification. Moreover, it cannot suffice to state that the alien possesses useful skills, or a unique background. Special or unusual knowledge or training does not inherently meet the national interest threshold. The issue of whether similarly-trained workers are available in the United States is an issue under the jurisdiction of the Department of Labor. *Id.* at 221.

The letters from [redacted] and [redacted] credit the petitioner with organizing the "Trip of Friends" program in 1997 which brought local officials from a few U.S. municipalities to Korea to foster cultural relations. The record includes honor certificates, citations, a proclamation, and letter of appreciation from local officials of the Pennsylvania municipalities of Harrisburg, Philadelphia, and Pottstown, and the North Carolina municipality of Charlotte, thanking the petitioner for his sponsorship of the program. While the petitioner received various forms of local recognition from these municipalities, there is no evidence showing that the results of the trip had a significant national impact on trade or cultural relations between the United States and Korea. The letter from [redacted] also mentions the petitioner's work as a clergyman (such as starting a congregation in Korea), but the record lacks supporting evidence showing the national significance of his achievements. 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. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

On appeal, the petitioner submits an April 21, 2008 letter from [redacted], Managing Director of Television Center, Christian Broadcasting System, Korea, stating:

The Christian Broadcasting System . . . proudly announces that [the petitioner] was a guest speaker for two times to be televised for the series of TV program named "Saropkae hasosuh." We are one of the top rated TV stations in Korea and majority of Christian Families watch our daily programs.

We very carefully select to be our guests among the best successful men and women reached to the top by overcome hardship in their lifetime.

At the time when [the petitioner] was to be televised in this particular program, he was one of the tops leading leaders in the industry and the best performer in his chosen fields-lecturer, educator, evangelist and a businessman.

The record does not include supporting evidence in the form of video footage from the program or television rankings showing that the program featuring the petitioner's two guest appearances had a significant national audience. Nevertheless, there is no evidence showing the extent to which the petitioner's two guest appearances specifically impacted or influenced others in his field. While we acknowledge that the petitioner need not demonstrate his notoriety on the scale of national acclaim, the national interest waiver contemplates that his influence be national in scope. *NYSDOT*, 22 I&N Dec. at 217 n.3. More specifically, the petitioner "must clearly present a significant benefit to the field of endeavor." *Id.* at 218. *See also id.* at 219 n.6 (the alien must have "a past history of demonstrable achievement with some degree of influence on the field as a whole.")

USCIS may, in its discretion, use as advisory opinion statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters of support from the petitioner's personal contacts is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795. In evaluating the recommendation letters, we note that letters containing mere assertions of skill and experience are less persuasive than letters that provide specific examples of how the petitioner has influenced the field. With regard to the letters from those who have interacted with the petitioner, while such letters are important in providing details about his past activities, they cannot by themselves establish his influence over the field as a whole.

While the petitioner has earned the admiration of the preceding individuals, there is no evidence establishing that specific work attributable to him has impacted the field as a whole. Further, there is no evidence showing that the petitioner has had a history of success with some degree of influence on the field. Moreover, the recommendation letters are not supported by objective evidence indicative of an influence on the field. Finally, the record contains no evidence showing that the petitioner's skills and experience are not amenable to the alien employment certification process. Accordingly, the petitioner has not established that he qualifies for the special additional benefit of a national interest waiver over and above being classified as a member of the professions holding an advanced degree.

As is clear from a plain reading of the statute, it was not the intent of Congress that every alien of exceptional ability should be exempt from the requirement of a job offer based on national interest. Likewise, it does not appear to have been the intent of Congress to grant national interest waivers on the basis of the overall importance of a given occupation, rather than on the merits of the individual alien.

On the basis of the evidence submitted, the petitioner has not established that a waiver of the requirement of an approved alien employment certification will be in the national interest of the United States. Moreover, the petitioner has not established that he qualifies for the underlying classification.

The AAO maintains plenary power to review each appeal on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also Janka v. U.S. Dept. of Transp., NTSB*, 925 F.2d 1147, 1149 (9th Cir. 1991). The AAO's *de novo* authority has been long recognized by the federal courts. *See, e.g., Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989).

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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. Here, that burden has not been met.

ORDER: The appeal is dismissed.