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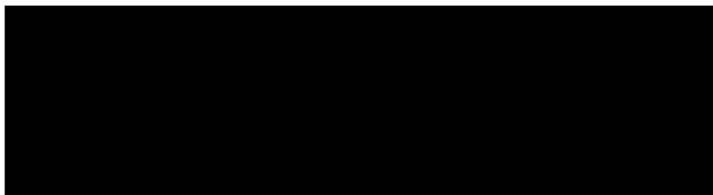
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



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

A10



FILE: EAC 08 001 52587 Office: VERMONT SERVICE CENTER Date: APR 22 2009

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

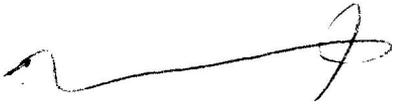
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(Q)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(Q)(i)

ON BEHALF OF PETITIONER:  
[Redacted]

**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, as required by 8 C.F.R. § 103.5(a)(1)(i).

  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center denied the nonimmigrant petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner seeks designation of its program as an international cultural exchange program and classification of the beneficiary as an international cultural exchange visitor pursuant to the provisions of section 101(a)(15)(Q)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(Q)(i). The petitioner, a television production company, seeks to employ the beneficiary as an assistant editor for a period of 15 months.

The director denied the petition on March 31, 2008. The director determined that the petitioner's program is ineligible for designation by United States Citizenship and Immigration Services (USCIS) as an international cultural exchange program under section 101(a)(15)(Q)(i) of the Act. Specifically, the director determined that the petitioner failed to establish that its cultural exchange program has a cultural component that is an essential and integral part of the international cultural exchange visitor's employment, as required by the regulation at 8 C.F.R. § 214.2(q)(3)(iii)(B); or (2) that the international exchange visitors' employment in the United States will serve as a vehicle to achieve the objectives of the cultural component, as required by 8 C.F.R. § 214.2(q)(3)(iii)(C).

On appeal, counsel for the petitioner asserts that the petitioner has met all regulatory requirements for approval of a Q-1 petition and that a review of the totality of the circumstances supports an approval based upon a preponderance of the evidence. Counsel contends that the director relied on "tedious reasoning" to deny the petition, and that such reasoning is "fatally flawed and facially insufficient." Counsel submits a brief, but no additional evidence, in support of the appeal.

Section 101(a)(15)(Q)(i) of the Immigration and Nationality Act defines a nonimmigrant in this classification as:

an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers.

The regulation at 8 C.F.R. § 214.2(q)(3) provides:

*International cultural exchange program.* -- (i) *General.* A United States employer shall petition the Attorney General on Form I-129, Petition for a Nonimmigrant Worker, for approval of an international cultural exchange program which is designed to provide an opportunity for the American public to learn about foreign cultures. The United States employer must simultaneously petition on the same Form I-129 for the authorization for one or more individually identified nonimmigrant aliens to be admitted in Q-1 status. These aliens are to be admitted to engage in employment or training of which the essential element is the sharing with the American public, or a segment of the public sharing a common cultural interest, of the culture of the alien's country of nationality. The international cultural exchange visitor's

eligibility for admission will be considered only if the international cultural exchange program is approved.

\* \* \*

(iii) *Requirements for program approval.* An international cultural exchange program must meet all of the following requirements:

(A) *Accessibility to the public.* The international cultural exchange program must take place in a school, museum, business or other establishment where the American public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program. Activities that take place in a private home or an isolated business setting to which the American public, or a segment of the public sharing a common cultural interest, does not have direct access do not qualify.

(B) *Cultural component.* The international cultural exchange program must have a cultural component which is an essential and integral part of the international cultural exchange visitor's employment or training. The cultural component must be designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor's country of nationality. A cultural component may include structured instructional activities such as seminars, courses, lecture series, or language camps.

(C) *Work component.* The international cultural exchange visitor's employment or training in the United States may not be independent of the cultural component of the international cultural exchange program. The work component must serve as the vehicle to achieve the objectives of the cultural component. The sharing of the culture of the international cultural exchange visitor's country of nationality must result from his or her employment or training with the qualified employer in the United States.

The issue to be addressed in this proceeding is whether the petitioner established that its proposed program is eligible for designation by USCIS, under section 101(a)(15)(Q)(i) of the Act, as an international cultural exchange program. Specifically, the director determined that the petitioner's program does not satisfy the regulatory requirements pertaining to cultural and work components pursuant to 8 C.F.R. §§ 214.2(q)(3)(iii)(A) and (B).

The petitioner filed the nonimmigrant petition on October 1, 2008. The petitioner, a television production company with 28 employees, seeks to employ the beneficiary as an assistant editor. In a letter dated September 24, 2007, the petitioner described the proposed position as follows:

As an Assistant Editor, [the beneficiary] will be responsible for identifying screenplays with the potential to succeed as television series, distinguishing among numerous submissions for creative quality and commercial prospects. Particularly, [the beneficiary] will critically appraise scripts to assess creative or commercial viability which includes reviewing script coverage and assisting in the revision of scripts. He will research and track film/TV projects for development and acquisitions as well as co-production opportunities and source materials for film adaptation or remake potentials.

It should be noted that the proposed position is an integral part of the cultural component and serves as a vehicle to achieve the distinct objective of cultural exchange between the U.S. and [the beneficiary's] native country of Korea.

The petitioner indicated that it "recently established an international cultural exchange program which has been carefully designed and structured to provide its participants to share the attitude, customs, history, heritage, philosophy and or traditions of their country of nationality."

The petitioner stated that the beneficiary, as an assistant editor, would be actively involved in the production of two television programs that air on the Discovery Health Channel: *The Dan Ho Show* and *Get Fresh with Sarah Snow* and provided brief descriptions of each show. The petitioner further described the beneficiary's role as follows:

Having [the beneficiary's] participation in the production of shows, it is our hope that he will impart to the American public the culturally different Green Living, Korean-style such as respecting the worth and rights of all living creatures and try to conserve and recover the order of the ecosystem, understanding the order of nature and wildlife and try to preserve it as a habitat of all living creatures. Koreans, by virtue of their culture, are against all human interference and control of nature and are against genetically modified organisms which are a threat to life ethics and disturb the ecosystem. Koreans maintain food and life security as well as the order of nature from genetic modification and toxic infection.

By [the beneficiary's] contribution to the subject matter, it is our hope that the show will share and introduce Korean methods of physical balance and wellness by instilling self-confidence and self-discipline, a calm self-assurance, and the psychological and spiritual values which are traditionally associated with the Korean customs.

It is obvious that the American public would derive great benefits from this information because they would acquire new knowledge about Korean culture and traditions.

The petitioner concluded its letter by stating:

The cultural exchange program in which [the beneficiary] will participate has been carefully designed and structured for a twelve (12) month period which enables the participant to receive sufficient training in all aspects of the production of a television show.

The petitioner submitted evidence that the beneficiary has completed a bachelor's degree in telecommunications from Indiana University in F-1 nonimmigrant student status, followed by one year of optional practical training.

The director issued a request for additional evidence (RFE) on January 7, 2008. The director advised the petitioner that the initial evidence did not demonstrate that the company has an established, *bona fide* international cultural exchange program as defined by the statute and regulations, or that the proposed program otherwise satisfies the requirements for Q-1 classification.

The director further stated:

It is noted that the beneficiary's duties and responsibilities appear to involve preparing programs for broadcasting using the television medium or other types of venues. Furthermore, the type of programming identified could be considered of general nature and not specifically related to the Korean culture, the nationality of the beneficiary. It would appear that any nationality could perform the duties and responsibilities associated with the position if the individual had the proper training and job experience.

It appears a different nonimmigrant classification would be more appropriate based upon the duties and responsibilities identified in this proceeding.

The director instructed the petitioner to submit the following evidence to overcome these deficiencies:

Submit documentation establishing your organization maintains an established international cultural exchange program in accordance with the requirements set forth in the regulations. Identify other individuals whose cultures have been represented or will be represented in your program. Submit persuasive documentation corroborating and that support your statements.

In a response dated February 20, 2008, counsel for the petitioner asserted that the beneficiary "is seeking to engage in employment wherein the essential element will involve sharing with the American public of the culture of his native country of Korea through widely acclaimed television shows developed and produced by the Petitioner."

Counsel further described the proposed cultural exchange program's cultural component as follows:

As an Assistant Editor, [the beneficiary] will be actively involve in editing and production of *The Dan Ho Show* and *Get Fresh with Sara Snow* aired in the Discovery Health Channel.

In *The Dan Ho Show*, Dan Ho is dedicated towards freeing viewers from the shackles of perfection and teaching the American public how to find balance and wellness in the midst unexpected ways and places. . . . By virtue of the Beneficiary's participation in the show we

will be able to introduce to the American public the unique Korean cultural ways of wellness and balance. . . .

By virtue of the Beneficiary's contribution to the subject matter, the Dan Ho Show will share and introduce the Korean methods of physical balance and wellness by instilling self-confidence and self-discipline, a calm self-assurance, and the psychological and spiritual values which are traditionally associated with the Korean customs.

In *Get Fresh with Sara Snow*, Sara Snow, a natural living expert [sic] visits green innovators who are forging the way to make a natural lifestyle both accessible and practical. Sara Snow helps guide viewers to reveal just how fun and easy fresh living can be, from eco-friendly fashion to foods that will boost the health and wellness of the body and the world we live in. Having the Beneficiary's participation in the production of the show, it is our hope that he will impart to the American public the culturally different, Green Living, Korean-style such as respecting the worth and rights of all living creatures and try to conserve and recover the order of the ecosystem, as well as understanding the order of nature and wildlife and trying to preserve it as a habitat of all living creatures.

Therefore, these widely watched television shows will be extended for another season. These shows will have the position effect of improving the American public's knowledge with respect to the valuable traditions of Korea and its many important cultural components.

Although the *Dan Ho* and *Sara Snow* shows do not exclusively deal with Korean culture, they frequently make pitch programs which generally consist of short episodes averaging 10 to 15 minutes in length.

Counsel stated that the proposed position of assistant editor, "though technical in nature, demonstrates that the cultural component of this program is an essential and integral part of the service to be performed by the Beneficiary due to his unique special training and [sic] cultural background." Counsel stated that the beneficiary's skills, combined with the cultural component "would no doubt greatly enhance the American public's knowledge and understanding with respect to the attitude, customs, heritage and philosophy" of Korea. Counsel asserted that the beneficiary's work "will serve as the vehicle and conduit to achieve the stated cultural objectives," and is not independent of the cultural component of the petitioner's international cultural exchange program.

In response to the director's request that the petitioner identify other individuals whose cultures have been or will be represented in its cultural program, counsel stated the following:

[The petitioner] has previously produced programs and documentaries and has visited many other countries such as Ethiopia, Turkey, France, Mexico and India. It has an international orientation. [The petitioner] has previously hired workers and trainees from these countries in producing the programs and documentaries as part of the cultural exchange program. It is our hope that upon the approval of the instant petition and with the Beneficiary's important

contributions, [the petitioner] will be able to produce a regular program or documentary exclusively dealing with Korea and its culture.

Finally, counsel concluded by stating that the petitioner disagrees with the director's contention that a different nonimmigrant classification would be more appropriate for the beneficiary, asserting that it is "manifestly unfair for the Center Director to unilaterally restrict" the usage of the Q-1 program.

The director denied the petition on March 31, 2008. In denying the petition, the director determined that the petitioner's proposed program does not qualify for designation as an international cultural exchange program pursuant to the provisions of 8 C.F.R. § 214.2(q)(3). The director determined that the beneficiary would not be engaging in employment of which the essential element is the sharing of the culture of their country of nationality. The director noted that the beneficiary will be primarily responsible for the duties of an assistant editor, while any responsibility he has for organizing cultural content for the identified programs would be incidental to such duties.

The director observed that the petitioner's response to the requests for evidence was comprised primarily of the unsupported assertions of counsel and not accompanied by any corroborating evidence demonstrating the existence of an established international cultural exchange program. The director further noted that the petitioner did not identify any other cultures that have been or would be represented through the petitioner's program.

On appeal, counsel submits a brief, the majority of which essentially restates the arguments made in counsel's response to the request for evidence and will not be repeated here. Counsel adds the following:

The petitioner has identified a cultural component which is essential and integral part of the beneficiary's employment and training. The beneficiary's insights and experiences with respect to Korean culture and history are essential and primary aspects of his role as an assistant editor of [the petitioner's] identified television programs. The petitioner is seeking the beneficiary's services to edit and develop all segments of its programming dealing specifically with Korean contents. This is precisely the type of situations embodied by the Q visa.

Further, it is universally known that the field of media and television is prone to frequent change. In the period since the petitioner's organization submitted the subject petition, its programming and media agenda has expanded to include additional projects which require in depth knowledge of Korean history and culture.

Counsel concludes by stating that it is "patently clear that the totality of the circumstances supports the granting of the petition." Counsel asserts that the denial of the petition "flies in the face of justice and demonstrates a complete disregard for the applicable regulations."

After careful review of the record, the AAO concurs with the director's conclusion the petitioner failed to establish that its program qualifies for designation as an international cultural exchange program pursuant to the

provisions of 8 C.F.R. § 214.2(q)(3). The petitioner failed to establish that the beneficiary would be engaged in employment of which the *essential element* is the sharing with the American public, or a segment of the public sharing a common cultural interest, of the culture of the alien's country of nationality. Further, the petitioner failed to establish that its proposed program has a cultural component designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy or traditions of the beneficiary's country of nationality. To the extent that there is a bona fide cultural component to the petitioner's proposed program, it has not been shown to be essential and integral to the beneficiary's employment.

The AAO will first address whether the petitioner satisfied the work component, pursuant to 8 C.F.R. § 214.2(q)(3)(iii)(C). The beneficiary's training may not be independent of the cultural component of the petitioner's international exchange program, but must serve as a vehicle to achieve the cultural component's objectives.

The beneficiary's proposed duties, as described in the petitioner's letter dated September 24, 2007, appear to be wholly disconnected from the claimed cultural component of the petitioner's program. The petitioner stated that the beneficiary, as an assistant editor, will be identifying and evaluating screenplays for creative quality and commercial prospects, critically appraising television scripts, researching and tracking film and television projects, and sourcing materials for film adaptation. All of these duties relate to potential and future television and film projects.

These duties have no apparent relation to the beneficiary's proposed involvement in the production of *The Dan Ho Show* or *Get Fresh with Sara Snow*, which is where the petitioner indicates he will make his cultural contribution. These television programs are already in production and would not reasonably require the beneficiary to perform any of the duties described above. Furthermore, the exact nature of the beneficiary's involvement in the production of these programs has yet to be clearly explained. The petitioner indicates that the beneficiary "will be actively involved in production" of the shows, and will make a "contribution to the subject matter." The petitioner did not indicate with any specificity how the beneficiary would be involved in the production of these two shows or expressly state what his "contributions" would be, nor did it indicate how much time he would devote to these programs compared to how much time he would devote to evaluating screenplays, sourcing materials and researching other projects with no claimed cultural components. 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)).

Counsel concedes that the *Dan Ho* and *Sara Snow* programs "do not deal with Korean culture" but frequently make "pitch programs which generally consist of short episodes averaging 10 to 15 minutes in length." As the beneficiary's cultural contribution to the petitioner's program would apparently be limited to whatever input he has to these two programs, significantly more evidence would be required to persuade the AAO that the beneficiary's work is not primarily independent of the cultural component, and that his employment would serve as the vehicle to achieve the objectives of the cultural component.

Based on the limited information provided, it appears that the beneficiary would, at most, contribute in some unexplained way to a 10 or 15 minute segment for each television program. The petitioner did not provide a

production schedule for either show or indicate whether the "Korean" segments would be recurring. It did not provide statements from persons associated with the production of either program indicating their plans to incorporate the Korean cultural components. As noted by the director, the petitioner's evidence consists almost entirely of the unsupported assertions of the petitioner and counsel. Again, going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165. Without documentary evidence to support the claim, 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).

Finally, the AAO notes that the petitioner indicated that in its supporting letter dated September 24, 2007, that the program in which the beneficiary will participate in a program "has been carefully designed and structured for a twelve (12) month period which enables the participant to receive sufficient training in all aspects of a television show." This is the only instance in the record where the petitioner refers to the beneficiary undergoing training, as opposed to productive employment, in the television production industry.

Overall, within the scope of its three page letter, the petitioner stated that the beneficiary would be performing: (1) duties typical of an assistant editor which included no apparent cultural component; (2) undefined duties associated introducing Korean cultural content to two established television programs; or (3) undergoing a year-long training program in all aspects of television show production. It is incumbent upon the 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 petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The international cultural exchange program must have a cultural component which is an essential and integral part of the international cultural exchange visitor's employment or training. 8 C.F.R. § 214.2(q)(3)(ii)(B). The work component must serve as the vehicle to achieve the objectives of the cultural component. 8 C.F.R. § 214.2(q)(3)(ii)(C). To the extent that the beneficiary would participate in any cultural activities, these activities would appear to be outside the scope of his primary job duties as an assistant editor. As noted in the director's decision, it is impossible to discern based on the limited evidence and explanations provided regarding the petitioner's program, how much time the beneficiary would be expected to devote to his unspecified role in contributing Korean content for the two television programs in question, which are not and will not be devoted exclusively to Korean culture. The information is critical as such responsibilities were not included in his regular job description as an assistant editor. Absent such information, the record does not establish that the cultural component is in fact integral to the beneficiary's employment.

Rather than addressing this noted deficiency on appeal, counsel states on appeal that the petitioner is seeking the beneficiary's services solely "to edit and develop all segments of its programming dealing specifically with Korean contents." Counsel also claims that the petitioner has expanded its programming and media agenda to include "additional projects which require in depth knowledge of Korean history and culture." No new evidence is submitted in support of these claims. The unsupported statements of counsel on appeal or in a motion are not evidence and thus are not entitled to any evidentiary weight. *See INS v. Phinpathya*, 464 U.S. 183, 188-89 n.6 (1984); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980). Moreover, the petitioner must establish

eligibility at the time of filing the nonimmigrant visa petition. A visa petition may not be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts. *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248 (Reg. Comm. 1978). A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to CIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm. 1998).

It is stated in the supplementary information to the current regulations at 8 C.F.R. § 214.2(q), published at 57 Fed. Reg. 55056, 55058 (November 24, 1992):

The Q visa provision is designed to foster "cultural exchange." The statute uses precisely this term and requires that a cultural exchange program have the purpose of "providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality." This language suggests that Congress envisioned a sharing of culture more widespread and accessible than the private cultural exchanges suggested by the commenters. It also suggests that the culture-sharing aspect of the status is the feature distinguishing this from nonimmigrant classifications that are tied solely to employment. Based on this language, the Service has retained in the final rule the requirements that a Q cultural exchange program must have structured public activities with specific culture-sharing goals, and that the cultural exchange visitor's employment or training must serve the cultural objectives of the program. Where training or employment is the primary reason for an alien's visit to this country, the alien should seek a visa classification that is appropriate for temporary workers, such as H-1B, H-2B, or H-3.

Here, the AAO agrees with the director's finding that the primary reason for the beneficiary's requested change of status and extension of stay in this country is for employment in the television production industry, not to engage in structured public activities with specific cultural exchange objectives.

In addition, although not addressed in detail by the director, the AAO finds reason to question whether the cultural component of the petitioner's program has been designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the beneficiary's country of nationality, as required by 8 C.F.R. § 214.2(q)(3)(ii)(B).

The petitioner states that the beneficiary will impart "the culturally different Green Living, Korean-style such as respecting the worth and rights of all living creatures and try to conserve and recover the order of the ecosystem, understanding the order of nature and wildlife and try to preserve it as a habitat of all living creatures." The petitioner indicated that "Koreans, by virtue of their culture, are against all human interference and control of nature and are against genetically modified organisms which are a threat to life ethics and disturb the ecosystem." Finally, the petitioner indicated that "Koreans maintain food and life security as well as the order of nature from genetic modification and toxic infection."

The petitioner claims to be using the beneficiary's services to promote a distinctly Korean environmental or ecological philosophy, but it has failed to document that these values are particular to Korea or actually part of that country's culture. Such broad statements as "Koreans . . . are against all human interference and control

of nature" warrant the submission of additional documentation actually corroborating that the beneficiary would be explaining customs, philosophy, history, heritage or traditions that are specific to and typically associated with his country's culture.<sup>1</sup>

Similarly, the petitioner indicates that the beneficiary will introduce "Korean methods of physical balance and wellness by instilling self-confidence and self-discipline, a calm self-assurance, and the psychological and spiritual values which are traditionally associated with Korean customs." The petitioner did not identify the specific "psychological and spiritual values" the beneficiary would be sharing, or describe "Korean methods of physical balance and wellness" and how they are unique to that culture.

The petitioner has described the cultural component of its program in a superficial manner, with no supporting documentation or explanation as to what the beneficiary will be doing to share his culture or how the values to be imparted are specific to and typical of Korean culture. 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)).

Based on the foregoing discussion, the petitioner has not established that its cultural exchange program satisfies the work and cultural components set forth at 8 C.F.R. § 214.2(q)(3)(ii)(B) and (C). Accordingly, the appeal will be dismissed.

Beyond the decision of the director, the petitioner has not established that the beneficiary is a qualified international cultural exchange visitor, pursuant to 8 C.F.R. § 214.2(p)(3)(iv). Specifically, the petitioner has not established that the beneficiary has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public, as required by 8 C.F.R. § 214.2(p)(3)(iv). The petitioner proposed that the beneficiary impart Korean philosophy regarding on topics ranging from self-discipline, self-assurance, psychological and spiritual values and "methods of physical balance and wellness," to environmental and ecological values. The format of communicating with the American public is through informational/educational television shows with a focus on health, wellness and ecology. While the beneficiary, who completed his education in telecommunications in the United States, certainly is qualified to perform the duties of an assistant television editor, there is no evidence in the record that would suggest that he has the education or experience to contribute the described Korean cultural content to television shows. His sole qualification for this aspect of the job appears to consist of being Korean. For this additional reason, the appeal will be dismissed.

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<sup>1</sup> Furthermore, the AAO notes that a simple Internet search reveals that many of the "values" the petitioner claims the beneficiary will impart to the American public were taken directly from the manifesto of a Korean environmental organization called Green Korea United. *See* Green is Life: Green Korea United, available at <<http://www.green-korea.tistory.com/1>> (accessed on March 11, 2009). The petitioner appears to have taken the exact philosophy of this relatively small environmental organization and attributed it to Korean people and the Korean culture in general.

An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*. 345 F.3d 683 (9th Cir. 2003); *see also Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989)(noting that the AAO reviews appeals on a *de novo* basis).

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. When the AAO denies a petition on multiple alternative grounds, a plaintiff can succeed on a challenge only if he or she shows that the AAO abused its discretion with respect to all of the AAO's enumerated grounds. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*. 345 F.3d 683 (9th Cir. 2003).

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.