



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

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

MATTER OF B-M-&M-, INC

DATE: MAY 3, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a supermarket management business, seeks to extend the Beneficiary's temporary employment as a "business analyst" under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director, Vermont Service Center, revoked the approval of the petition under 8 C.F.R. § 214.2(h)(11)(iii)(A)(2) and (5), concluding that (1) the statement of facts in the petition was not true and correct, inaccurate, fraudulent, or misrepresented a material fact; and (2) the approval of the petition violated paragraph (h) of this section or involved gross error.

The matter is now before us on appeal. In its appeal, the Petitioner asserts that the Director erred in finding the Beneficiary ineligible for the benefit requested and that the evidence in the record is sufficient to merit approval of the visa petition.

Upon *de novo* review, we will dismiss the appeal.

**I. LEGAL FRAMEWORK**

U.S. Citizenship and Immigration Services (USCIS) may revoke the approval of an H-1B petition pursuant to 8 C.F.R. § 214.2(h)(11)(iii), which states the following:

- (A) *Grounds for revocation.* The director shall send to the petitioner a notice of intent to revoke the petition in relevant part if he or she finds that:
  - (1) The beneficiary is no longer employed by the petitioner in the capacity specified in the petition . . . ; or

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- (2) The statement of facts contained in the petition . . . was not true and correct, inaccurate, fraudulent, or misrepresented a material fact; or
  - (3) The petitioner violated terms and conditions of the approved petition; or
  - (4) The petitioner violated requirements of section 101(a)(15)(H) of the Act or paragraph (h) of this section; or
  - (5) The approval of the petition violated paragraph (h) of this section or involved gross error.
- (B) *Notice and decision.* The notice of intent to revoke shall contain a detailed statement of the grounds for the revocation and the time period allowed for the petitioner's rebuttal. The petitioner may submit evidence in rebuttal within 30 days of receipt of the notice. The director shall consider all relevant evidence presented in deciding whether to revoke the petition in whole or in part . . . .

## II. PROCEDURAL HISTORY

In a notice of intent to revoke (NOIR), the Director stated, in part:

USCIS initially approved the beneficiary H-1B status because the beneficiary provided experience letter from [REDACTED] claiming that she has performed business management and analysis services from 1993 to 2003. The consulate attempted to verify the beneficiary's work experience, and received derogatory information.

Consulate contacted [REDACTED]. Personnel from [REDACTED] state that the beneficiary worked there a short time. Even though the experience letter and the beneficiary's assertion indicate that she provided services for [REDACTED] from 1993 to 2003, according to records, she was employed by [REDACTED] city government from 1999 to 2000 and then by [REDACTED] branch in Argentina from 2000 to 2002. The evidence indicates a discrepancy and questions the authenticity of the Beneficiary's qualification for the proffered position.

The Director ultimately revoked the approval of the visa petition, and the Petitioner timely filed an appeal.

Upon preliminary review of the records, we sent the Petitioner a request for evidence (RFE). We requested, *inter alia*, evidence from the [REDACTED] city government and [REDACTED] confirming the

dates the Beneficiary worked for them, the number of hours worked per week, and the duties she performed. We also requested tax records pertinent to the Beneficiary's employment in Argentina and translations of any of those documents that are in any language other than English. That letter reiterated that, consistent with *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988), the Petitioner is obliged to reconcile doubt cast on its evidence with independent, objective evidence.

### III. ANALYSIS

Upon review of the record, we determine that the Director properly revoked the approval of the petition pursuant to 8 C.F.R. § 214.2(h)(11)(iii)(A)(2) (the statement of facts contained in the petition was not true and correct, inaccurate, fraudulent, or misrepresented a material fact), and (5) (the approval of the petition violated paragraph (h) of this section or involved gross error. We fully considered in the context of the entire record of proceedings, the Petitioner's response to the NOIR, and the Petitioner's submissions on appeal, and find that the Petitioner has not submitted sufficient evidence to overcome the grounds specified in the NOIR for revoking the petition.<sup>1</sup>

#### A. Preliminary Grounds

Prior to discussing the grounds of the NOIR, we will briefly discuss an additional issue not addressed in the Director's decision. The Director concluded that the record does not establish that the Beneficiary qualifies for classification as an H-1B worker, and thus, the approval of the petition violated paragraph (h) of this section or involved gross error. However, a beneficiary's credentials to perform a particular job are relevant only when the job is found to qualify as a specialty occupation. USCIS is required to follow long-standing legal standards and determine first, whether the proffered position qualifies as a specialty occupation, and second, whether a beneficiary was qualified for the position at the time the nonimmigrant visa petition was filed. *Cf. Matter of Michael Hertz Assoc.*, 19 I&N Dec. 558, 560 (Comm'r 1988) ("The facts of a beneficiary's background only come at issue after it is found that the position in which the petitioner intends to employ him falls within [a specialty occupation].").

In this case, the Director did not address whether the proffered position is a specialty occupation. However, we note that the evidence in the record does not establish that the proffered position qualifies as a specialty occupation. Specifically, in the support letter, the Petitioner stated that "a bachelor's degree with major in business, economics or marketing is sufficient for many entry level analyst and management jobs," and "an individual without college specialization or the equivalent thereof in one of these areas would be unable to successfully forecast and maintain the viability of the company."

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<sup>1</sup> The Petitioner submitted documentation to support the H-1B petition, including evidence regarding the proffered position and the Beneficiary's qualifications. While we may not discuss every document submitted, we have reviewed and considered each one.

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However, a petitioner must demonstrate that the proffered position requires a precise and specific course of study that relates directly and closely to the position in question. Since there must be a close correlation between the required specialized studies and the position, the requirement of a degree with a generalized title, such as business, without further specification, does not establish the position as a specialty occupation. *Cf. Matter of Michael Hertz Assocs.*, 19 I&N Dec. at 560. USCIS interprets 8 C.F.R. § 214.2(h)(4)(iii)(A) as requiring a degree in a specific specialty that is directly related to the proposed position. USCIS has consistently stated that, although a general-purpose bachelor's degree, such as a degree in business administration, may be a legitimate prerequisite for a particular position, requiring such a degree, without more, will not justify a finding that a particular position qualifies for classification as a specialty occupation. *Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 147 (1st Cir. 2007).

Therefore, while the Director only identified the Beneficiary's qualifications as the basis for finding that the approval of the petition violated paragraph (h) of this section or involved gross error, the fact that the proffered position does not qualify as a specialty occupation would also have been a proper basis for revocation. However, for the limited purpose of reviewing the Beneficiary's qualifications issue, we will assume that the proffered position is a specialty occupation.

B. The Beneficiary's Employment History in Argentina

Upon review, we find that the Petitioner did not provide credible and sufficient evidence to establish the Beneficiary's employment history in Argentina, and has not established that it provided statements that are true and correct, and accurate.<sup>2</sup>

In response to our RFE which requested "complete copies of tax records demonstrating the Beneficiary's employment in Argentina from 1993 to 2003," the Petitioner submitted documents which appear to be from the National Social Security Administration in Argentina for the Beneficiary. The translated pages indicate that the Beneficiary worked for 6 months in 1994 and 12 months in 1993. The document in Spanish without the requisite translation does not appear to be pertinent to the specified years.<sup>3</sup> We note that the point of the request for the tax records with the required translation was an inquiry into whether the Beneficiary worked full-time during that period for any company other than [REDACTED] since it was claimed that the Beneficiary worked off the books full-time at [REDACTED] for almost ten years with her father paying her compensation out of his share of distribution, and there is no independent record to verify her employment at [REDACTED]. The Petitioner did not sufficiently respond to the request and did not explain the reasons for not providing such documents.<sup>4</sup>

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<sup>2</sup> We follow the preponderance of the evidence standard as specified in *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).

<sup>3</sup> Because the Petitioner did not submit certified translations of the documents, we cannot determine whether the evidence supports the Petitioner's claims. *See* 8 C.F.R. § 103.2(b)(3).

<sup>4</sup> We note that failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

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On appeal, the Petitioner asserts that since [REDACTED] was “a family owned business, she certainly had the flexibility in hours, which allowed her to alter her schedule and *briefly* hold two other part-time positions” (emphasis added). However, the record of proceeding contains a letter from [REDACTED] that the Beneficiary was employed part-time from October 2000 to February 2002, for approximately 16 months, which is not a brief period. Further, while we specifically requested information regarding the number of hours worked per week, the letter does not contain such information.

Moreover, on appeal, the Petitioner claims that the Beneficiary’s “second job involved working for the city of [REDACTED] in the education system from August 1999 to February 2000 for seven hours per week.” However, contrary to the Petitioner’s claims, the record of proceedings contain the following documentary evidence regarding the Beneficiary’s work history for the city of [REDACTED]

- September 13, 1996 to October 2, 1996, substitute English teacher, full-time
- August 2, 1999 to February 24, 2000, substitute English teacher, part-time
- June 6, 2000 to June 30, 2000, substitute English teacher, full-time

The records indicate that the Beneficiary was employed longer than indicated by the Petitioner, namely, August 1999 to February 2000. Further, the Beneficiary appears to have been employed full-time from September 13, 1996 to October 2, 1996, and again from June 6, 2000 to June 30, 2000. The Petitioner did not explain the discrepancy. We note that “it is incumbent upon the petitioner to resolve the inconsistencies by independent objective evidence.” *Matter of Ho*, 19 I&N Dec. at 591. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Id.* at 591-92.

On appeal, the Petitioner asserts that the claim of employment with [REDACTED] is legitimate and that, in any event, “the beneficiary, based solely upon her experience in the United States, and excluding her experience in Argentina, was deemed to have the equivalent of a bachelor’s degree in business administration” and that the Beneficiary qualifies for the position based on her experience in the United States. However, the Beneficiary’s employment in Argentina is still relevant to this matter, because the Beneficiary gained her experience in the United States while on H-1B visas, and the previously approved H-1B petitions relied on her experience in Argentina to find that she qualified for the position. In other words, without considering her experience in Argentina, the Beneficiary could not have qualified for her previous H-1B positions, and consequently, could not have qualified for the proffered position.

We conclude that the Petitioner did not provide sufficient evidence to establish the Beneficiary’s employment history in Argentina, and did not establish that the statements regarding the Beneficiary’s past employment was true and correct, and accurate.

C. The Law Governing the Beneficiary's Qualification

Further, even if the Petitioner had credibly established the Beneficiary's employment history, we find that the evidence submitted with the visa petition was insufficient to demonstrate that the Beneficiary is qualified to work in the proffered position. Therefore, the approval of the petition violated paragraph (h) of this section or involved gross error.

Section 214(i)(2) of the Act, 8 U.S.C. § 1184(i)(2), states that an alien applying for classification as an H-1B nonimmigrant worker must possess:

- (A) full state licensure to practice in the occupation, if such licensure is required to practice in the occupation,
- (B) completion of the degree described in paragraph (1)(B) for the occupation, or
- (C)
  - (i) experience in the specialty equivalent to the completion of such degree, and
  - (ii) recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

In implementing section 214(i)(2) of the Act, 8 U.S.C. § 1184(i)(2), the regulation at 8 C.F.R. § 214.2(h)(4)(iii)(C) states that a beneficiary must meet one of the following criteria in order to qualify to perform services in a specialty occupation:

- (1) Hold a United States baccalaureate or higher degree required by the specialty occupation from an accredited college or university;
- (2) Hold a foreign degree determined to be equivalent to a United States baccalaureate or higher degree required by the specialty occupation from an accredited college or university;
- (3) Hold an unrestricted state license, registration or certification which authorizes him or her to fully practice the specialty occupation and be immediately engaged in that specialty in the state of intended employment; or
- (4) Have [a] education, specialized training, and/or progressively responsible experience that is equivalent to completion of a United States baccalaureate or higher degree in the specialty occupation, and [b] have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.

In addition, 8 C.F.R. § 214.2(h)(4)(v)(A) states:

General. If an occupation requires a state or local license for an individual to fully perform the duties of the occupation, an alien (except an H-1C nurse) seeking H classification in that occupation must have that license prior to approval of the petition to be found qualified to enter the United States and immediately engage in employment in the occupation.

Therefore, to qualify an beneficiary for classification as an H-1B nonimmigrant worker under the Act, the Petitioner must establish that the Beneficiary possesses the requisite license or, if none is required, that the Beneficiary has completed a degree in the specialty that the occupation requires. Alternatively, if a license is not required and if the Beneficiary does not possess the required U.S. degree or its foreign degree equivalent, the Petitioner must show that the Beneficiary possesses both (1) education, specialized training, and/or progressively responsible experience in the specialty equivalent to the completion of such degree, and (2) recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

#### D. Discussion

The record indicates that the Beneficiary completed two years of foreign education as a primary school teacher. We find that the Beneficiary does not meet the criteria at 8 C.F.R. § 214.2(h)(4)(iii)(C)(1), as the Beneficiary does not possess a U.S. accredited college or university baccalaureate or higher degree. The regulation at 8 C.F.R. § 214.2(h)(4)(iii)(C)(3) is also irrelevant since the proffered position does not require a license to practice in the position.

Next, the Petitioner has not established that the Beneficiary is qualified to serve in a specialty occupation under the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(C)(2) for a beneficiary holding a foreign degree determined to be equivalent to a U.S. accredited college or university baccalaureate or higher degree required by the pertinent specialty occupation. Since the Beneficiary does not have a foreign degree determined to be equivalent to a U.S. bachelor's degree, this criterion is also not relevant.

This leads us to consider the fourth criterion at 8 C.F.R. §§ 214.2(h)(4)(iii)(C), by which a beneficiary may qualify for service in a specialty occupation through evidence establishing that, though lacking a U.S. degree or its foreign-degree equivalent in the specialty, the Beneficiary possesses the equivalent of the required U.S. degree by virtue of both (1) education, specialized training, and/or progressively responsible experience in the pertinent specialty that is equivalent to completion of such degree, and (2) recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

In order to equate a beneficiary's credentials to a U.S. baccalaureate or higher degree, the provisions at 8 C.F.R. § 214.2(h)(4)(iii)(D) require one or more of the following:

- (1) An evaluation from an official who has authority to grant college-level credit for training and/or experience in the specialty at an accredited college or

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university which has a program for granting such credit based on an individual's training and/or work experience;

- (2) The results of recognized college-level equivalency examinations or special credit programs, such as the College Level Examination Program (CLEP), or Program on Noncollegiate Sponsored Instruction (PONSI);
- (3) An evaluation of education by a reliable credentials evaluation service which specializes in evaluating foreign educational credentials;<sup>5</sup>
- (4) Evidence of certification or registration from a nationally-recognized professional association or society for the specialty that is known to grant certification or registration to persons in the occupational specialty who have achieved a certain level of competence in the specialty;
- (5) A determination by the Service that the equivalent of the degree required by the specialty occupation has been acquired through a combination of education, specialized training, and/or work experience in areas related to the specialty and that the alien has achieved recognition of expertise in the specialty occupation as a result of such training and experience . . . .

The criteria at 8 C.F.R. §§ 214.2(h)(4)(iii)(D)(2) and (4) are not factors in this proceeding, as the record contains no evidence related to them.

The criterion at 8 C.F.R. § 214.2(h)(4)(iii)(D)(3) is inapposite here, as the evaluations provided are of the Beneficiary's education considered together with her employment experience, whereas 8 C.F.R. § 214.2(h)(4)(iii)(D)(3) pertains to evaluations of education only.

The criterion at 8 C.F.R. § 214.2(h)(4)(iii)(D)(1) pertains to evaluations of education together with work experience. This record contains two such evaluations.

One evaluation was prepared by [REDACTED], an associate professor of marketing at [REDACTED]. The other evaluation was prepared by [REDACTED] a professor of accounting at [REDACTED]. Both of those evaluations state that the Beneficiary's education and employment experience, considered together, are equivalent to a bachelor's degree in business administration.

Preliminarily, we note that neither evaluation states that the Beneficiary's education and experience are equivalent to a bachelor's degree within any specific concentration within the broad field of business administration. As discussed, a general degree in business administration alone is

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<sup>5</sup> The Petitioner should note that, in accordance with this provision, we will accept a credential evaluation service's evaluation of *education only*, not training and/or work experience.

insufficient, in itself, to qualify the Beneficiary to perform the services of a specialty occupation, unless the academic courses pursued and knowledge gained is a realistic prerequisite to a particular occupation in the field. *See Matter of Ling*, 13 I&N Dec. 35 (Reg'l Comm'r 1968) (finding that "'Business administration' is a broad field, a field which contains various occupations and/or professions, all of which are related to the world of business but each requiring a different academic preparation and experience peculiar to its needs"). That the Beneficiary's education and work experience, considered together, have been evaluated as equivalent to a bachelor's degree in business administration does not indicate that the Beneficiary has the equivalent of a minimum of a bachelor's degree in a specific specialty, and does not demonstrate that she is qualified to work in a specialty occupation position.

The remaining criterion for review is 8 C.F.R. § 214.2(h)(4)(iii)(D)(5). It allows recognition of a beneficiary's qualification by USCIS determination that his or her training or work experience is equivalent to U.S. baccalaureate coursework in a specific specialty. It is always worth noting that, by its very terms, 8 C.F.R. § 214.2(h)(4)(iii)(D)(5) is a matter strictly for USCIS application and determination, and that, also by the clear terms of the rule, experience will merit a positive determination only to the extent that the record of proceedings satisfies all of the qualifying elements at 8 C.F.R. § 214.2(h)(4)(iii)(D)(5), including the requirement for a type of recognition of expertise in the specialty occupation.)

This criterion provides:

[I]t must be clearly demonstrated [1] that the alien's training and/or work experience included the theoretical and practical application of specialized knowledge required by the specialty occupation; [2] that the alien's experience was gained while working with peers, supervisors, or subordinates who have a degree or its equivalent in the specialty occupation; and [3] that the alien has recognition of expertise in the specialty evidenced by at least one type of documentation such as:

- (i) Recognition of expertise in the specialty occupation by at least two recognized authorities in the same specialty occupation<sup>6</sup>;
- (ii) Membership in a recognized foreign or United States association or society in the specialty occupation;
- (iii) Published material by or about the alien in professional publications, trade journals, books, or major newspapers;

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<sup>6</sup> *Recognized authority* means a person or organization with expertise in a particular field, special skills or knowledge in that field, and the expertise to render the type of opinion requested. A recognized authority's opinion must state: (1) the writer's qualifications as an expert; (2) the writer's experience giving such opinions, citing specific instances where past opinions have been accepted as authoritative and by whom; (3) how the conclusions were reached; and (4) the basis for the conclusions supported by copies or citations of any research material used. 8 C.F.R. § 214.2(h)(4)(ii).

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- (iv) Licensure or registration to practice the specialty occupation in a foreign country; or
- (v) Achievements which a recognized authority has determined to be significant contributions to the field of the specialty occupation.

The record of proceedings includes former employer letters and certificates. However, the record does not contain sufficient information regarding the Beneficiary's work experience to meet the requirements under 8 C.F.R. § 214.2(h)(4)(iii)(D)(5).

The Petitioner provided the following documents:

- A letter from [REDACTED] dated December 1, 2014, stating, in part, that the Beneficiary "provide[d] both administrative and analytical support to the executive officers";
- A letter from [REDACTED] dated September 23, 2013, stating, in part, that the Beneficiary "occupied an administrative and managerial role";
- A letter from [REDACTED] dated September 18, 2013, stating that the Beneficiary was employed as a business analyst since March 8, 2004, and her duties included "creating marketing strategies," "projecting profit margin," "managing data for weekly promotions and shelf pricing" and more.
- A letter from the Petitioner dated September 20, 2013, stating, in part, that the Beneficiary is "principally responsible for defining retail grocery market opportunities and with developing the appropriate strategies and responses."

The letters in the record of proceedings do not provide sufficient information regarding the work that the Beneficiary performed. Specifically, the letters do not demonstrate, for instance, the level of responsibility that she exercised, the extent to which she was supervised, the latitude of independent judgment that the Beneficiary may have been allowed to exercise, or the types and levels of any substantive knowledge that the Beneficiary may have applied to perform her duties. The letters also do not indicate that the Beneficiary theoretically and practically applied specialized knowledge at the specialty occupation level, or that the Beneficiary worked with peers, supervisors, or subordinates with a degree or its equivalent in the specialty occupation. In any event, the evidence of record is not sufficient to satisfy the requirements at 8 C.F.R. § 214.2(h)(4)(D)(5) for achieving USCIS recognition of periods of education, specialized training, and/or specialized work experience as equivalent to years(s) of U.S. college-level training that a beneficiary lacks in the pertinent specialty. That is, the record of proceedings lacks clearly demonstrable evidence<sup>7</sup> that the Beneficiary's "training and/or work experience included the theoretical and practical application of specialized knowledge required by the specialty occupation" and "was gained while working with peers, supervisors, or subordinates who have a degree or its equivalent in the specialty occupation."

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<sup>7</sup> The regulation expressly requires that satisfaction of each of its requirements "must be clearly demonstrated."

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Further, as reflected subparagraph (A)(2) of the regulation at 8 C.F.R. § 214.2(h)(4)(iv), *General documentary requirements for H-1B classification in a specialty occupation*, submissions from former employers, or recognized authorities, as to a beneficiary's recognition and expertise "shall specifically describe the beneficiary's recognition and ability in factual terms and must set forth the expertise of the affiant and the manner in which the affiant acquired such information." The record does not include such documentation, or for that matter, any documentary evidence which would satisfy the requirement at 8 C.F.R. § 214.2(h)(4)(D)(5) for recognition of the Beneficiary's expertise in a specific specialty.

Consequently, the Petitioner has not established that the Beneficiary satisfies the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(D)(5). The evidence submitted is insufficient to show that the Beneficiary is qualified to work in a specialty occupation. Therefore, the approval of the petition violated paragraph (h) of this section or involved gross error.

We recognize that this is an extension petition. USCIS computer records indicate that approval of the visa petition that the Petitioner seeks to extend [REDACTED] was revoked. The Director's decision does not indicate whether she reviewed the prior approvals of previous nonimmigrant petitions filed on behalf of the Beneficiary. If the previous nonimmigrant petitions were approved despite the same evidentiary deficiencies that are contained in the current record, those approvals would also, of course, also appear to constitute material and gross error on the part of the director. We are not required to approve applications or petitions where eligibility has not been demonstrated, merely because of prior approvals that may have been erroneous. *See, e.g. Matter of Church Scientology International*, 19 I&N Dec. 593, 597 (Comm'r 1988). It would be absurd to suggest that USCIS or any agency must treat acknowledged errors as binding precedent. *Sussex Engg. Ltd. v. Montgomery*, 825 F.2d 1084, 1090 (6th Cir. 1987), *cert. denied*, 485 U.S. 1008 (1988). A prior approval does not compel the approval of a subsequent petition or relieve the petitioner of its burden to provide sufficient documentation to establish current eligibility for the benefit sought. 55 Fed. Reg. 2606, 2612 (Jan. 26, 1990).

#### IV. CONCLUSION

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.<sup>8</sup>

**ORDER:** The appeal is dismissed.

Cite as *Matter of B-M-&M-, Inc*, ID# 14600 (AAO May 3, 2016)

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<sup>8</sup> Since the identified basis for denial is dispositive of the Petitioner's appeal, we will not address other grounds of ineligibility we observe in the record of proceedings.