



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

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

MATTER OF G-L-, INC.

DATE: JUNE 15, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, an online education business, seeks to classify the Beneficiary as a foreign national of extraordinary ability in business. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i). This O-1 classification makes nonimmigrant visas available to foreign nationals who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.

The Director, Vermont Service Center, denied the petition. The Director determined that the exhibits did not satisfy the evidentiary requirements applicable to foreign nationals of extraordinary ability in business, pursuant to 8 C.F.R. § 214.2(o)(3)(iii)(A) (a major internationally recognized award) or (B) (at least three of eight possible forms of documentation).

The matter is now before us on appeal. In its appeal the Petitioner argues that the Director erred in determining that the Beneficiary is not eligible for the classification sought, and that the Director should have considered the Petitioner's filings under the "comparable evidence" provision at 8 C.F.R. § 214.2(o)(3)(iii)(C).

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

#### I. LAW

Section 101(a)(15)(O)(i) of the Act provides classification to a qualified beneficiary who has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. The regulation at 8 C.F.R. § 214.2(o)(3)(ii) provides, in pertinent part: "*Extraordinary ability in the field of science, education, business, or athletics means a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor.*"

The regulation at 8 C.F.R. § 214.2(o)(3)(iii) sets forth a multi-part analysis. First, a petitioner can demonstrate a beneficiary's sustained acclaim and the recognition of the beneficiary's achievements

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in the field through a major internationally recognized award. 8 C.F.R. § 214.2(o)(3)(iii)(A). If a petitioner does not submit this documentation, then it must satisfy at least three of the eight categories listed at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). If the petitioner shows that the criteria in paragraph (o)(3)(iii)(B) of this section do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to demonstrate the beneficiary's eligibility, as set forth at 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents relating to at least three criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994). In addition, we have held that, "truth is to be determined not by the quantity of evidence alone but by its quality." *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). That decision explains that, pursuant to the preponderance of the evidence standard, we "must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Id.*

In addition, the regulation at 8 C.F.R. § 214.2(o)(2)(ii) sets forth evidence that must accompany petitions for O foreign nationals, which includes documentation relating to the terms of the proposed employment and the nature of the activities and events in which the beneficiary will participate.

## II. ANALYSIS

### A. Introduction

The Petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, seeking to employ the Beneficiary as a Deal Development Manager for a period of three years. In its initial letter, the Petitioner described the Beneficiary as an individual "of extraordinary ability in the field of Marketing and Business Development," who has "a proven track record of using expert-level acumen in business development, marketing and proposal writing, and management efforts to grow elite international companies." The record shows that the Beneficiary obtained a Master of Business Administration from [REDACTED] in 2008, and that he has subsequently been employed by the multinational law firm [REDACTED] in Spain, his native country, and in the United States in L-1 nonimmigrant status. The Petitioner's submission included a summary of the terms of the oral agreement under which it will employ the Beneficiary, including his duties and compensation in the proffered position.

The Director denied the petition, finding that the materials did not establish that the Beneficiary qualifies as a foreign national with extraordinary ability in the field of business, specifically, that the exhibits did not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(A) or three of the eight categories listed at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). In its appeal, the Petitioner offers a brief and maintains that the Director erred in determining that the record did not establish eligibility. This decision will discuss whether the Petitioner has satisfied either 8 C.F.R. § 214.2(o)(3)(iii)(A) or (B) and will further address the Petitioner's new position on appeal that it has submitted qualifying comparable

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evidence pursuant to 8 C.F.R. § 214.2(o)(3)(iii)(C). After careful review, we find the Petitioner has not established the Beneficiary's eligibility for the requested classification.

## B. Evidentiary Criteria

In denying the petition, the Director determined that the Petitioner satisfied only one of the eight evidentiary criteria, the criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(7). Regarding the criteria listed at 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (1), (3), (5), and (8), the Director discussed the submitted evidence and found that the Petitioner did not establish that the Beneficiary met these criteria. The Director further concluded that the Petitioner did not attempt to meet the evidentiary criteria at 8 C.F.R. § 214.2(o)(3)(iii)(A), or 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (2) and (6).

On appeal, the Petitioner maintains that the submitted exhibits satisfy the criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (1), (3), and (5), but does not contest the Director's findings or offer additional arguments regarding the remaining criteria. In addition, the Petitioner states it is eligible under 8 C.F.R. § 214.2(o)(3)(iii)(C).<sup>1</sup> Specifically, the Petitioner requests that we consider as comparable "evidence . . . that [the Beneficiary] was responsible for his employer's having won numerous important field-related awards" and "considerable media coverage of both his former employer and an award-winning short film." We will consider the Petitioner's position regarding comparable evidence below, in our discussion of 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (1) and (3).

*Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor*

The Director determined that the Petitioner's evidence did not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1). The Petitioner's initial cover letter affirmed that the Beneficiary's "accomplishments at [redacted] led directly to the firm's receipt of national and international honors in the [redacted] including from [redacted]

[redacted] In support of this criterion, the Petitioner initially submitted numerous published articles that confirmed [redacted] receipt of two awards: the [redacted] for [redacted] and [redacted] award for [redacted] (2014).

The Petitioner's initial evidence also included a letter from [redacted] previously the Beneficiary's colleague at [redacted] Spain office. [redacted] some of the Beneficiary's professional accomplishments heading the firm's business and marketing functions in Spain. He confirmed that [redacted] won the [redacted] award for [redacted] and maintained that "[s]ignificant credit is due to [the Beneficiary] for his efforts in this regard.

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<sup>1</sup> The Petitioner incorrectly states that the comparable evidence provision for foreign nationals of extraordinary ability in the fields of science, education, business, or athletics is set forth at "8 C.F.R. 214.2(o)(3)(iv)," but this section relates to foreign nationals of extraordinary ability in the field of arts.

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There can be no higher accolade for someone in our profession than to have the firm s/he serves to win an award of this caliber.” Finally, [REDACTED] noted that the Beneficiary was transferred to the United States and tasked with “leading business development and marketing for [REDACTED] revamped Latin American group,” and he credited the Beneficiary with “multiple industry awards . . . that [REDACTED] has garnered.”

The Director issued a request for evidence (RFE), advising the Petitioner that the above material was insufficient to establish eligibility under 8 C.F.R. § 214.2(o)(3)(iii)(B)(1), and requesting additional evidence. In response, the Petitioner maintained that the Beneficiary was “instrumental in [REDACTED] . . . having received a dozen or more highly significant awards in the Americas in a very short period of time.” The Petitioner submitted additional published materials confirming [REDACTED] receipt of four additional awards: [REDACTED] (2014), the [REDACTED] (2014), and the [REDACTED] (2014). It also forwarded a testimonial letter from [REDACTED] a partner in [REDACTED] office, stating that he led/participated in a deal which received the “[REDACTED] (2014)” from [REDACTED] and attesting “how critical [the Beneficiary’s] role was in winning this award.” The Petitioner further provided an expert letter from [REDACTED] a public relations agency head, attesting to the industry recognition of the institutions that gave the awards.

The plain language of the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1) specifically requires documentation of “the alien’s receipt” of nationally or internationally recognized prizes or awards. The record contains documentation that [REDACTED] was the recipient of the six preceding awards. While the Beneficiary was an employee of [REDACTED] there is no documentary evidence specifically identifying him as a recipient of those awards. The Director, therefore, correctly determined that the Petitioner has not submitted evidence that satisfies the plain language of this criterion, because it did not provide documentation of the Beneficiary’s receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

On appeal, the Petitioner argues the Beneficiary is eligible under the “comparable evidence” provision at 8 C.F.R. § 214.2(o)(3)(iii)(C), which provides that if a petitioner demonstrates that certain criteria do not readily apply to a beneficiary’s occupation, that petitioner may submit comparable evidence in order to establish the beneficiary’s eligibility. Section 291 of the Act, 8 U.S.C. § 1361, places the burden of proof on the party seeking benefits. It is the Petitioner’s burden to explain why the regulatory criteria do not readily apply to the Beneficiary’s occupation and how the evidence is “comparable” to the objective items required at 8 C.F.R. § 214.2(o)(3)(iii). The regulatory language precludes the consideration of comparable evidence in this instance. The Petitioner affirms that the achievements of [REDACTED] in receiving the preceding awards should be considered comparable evidence because “as clearly laid out in the evidence presented, **the standards of the [B]eneficiary’s occupation in the [B]eneficiary’s field** support the conclusion that the [B]eneficiary can be considered to have been honored for his work.” The Petitioner does not state, and the submitted evidence does not establish, that in the field of marketing and business development there are no nationally or internationally recognized prizes or awards for excellence given out directly to individuals such that the criterion is not readily applicable to the Beneficiary’s occupation. Where a beneficiary is simply unable to meet

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or submit documentary evidence meeting a criterion, the plain language of the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(C) does not allow for the submission of comparable evidence. Based on the foregoing, the Petitioner has not established that the Beneficiary meets the criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1).

*Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation*

The Director determined that the Petitioner's evidence does not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(3). For purposes of this criterion, the Petitioner submitted a press release in the Spanish publication [REDACTED] announcing the Beneficiary's appointment by [REDACTED] as the head of the firm's marketing and business development department, and listing his previous employers. As noted by the Director, although the press release is about the Beneficiary, this exhibit did not provide any information relating to the Beneficiary's work in the field. In addition, the exhibit did not otherwise comply with the plain language of the regulation as it did not include the author of the material, and the Petitioner did not show that the publication is a professional or major trade publication or some other form of major media.

The Petitioner's initial evidence also included numerous published articles about [REDACTED] relating to the firm's work in the field. None of these published materials mention the Beneficiary by name or otherwise describe his role with the firm. The Petitioner also provided the previously mentioned letter from [REDACTED] who acknowledged that the Beneficiary's name does not appear in the press coverage pertaining to the firm's work in the field, but he maintained that "such omission is typical in our field."

In response to the Director's request for evidence (RFE), the Petitioner maintained that press coverage pertaining to [REDACTED] work in the field should be considered as evidence of the Beneficiary's eligibility under this criterion because, in "the large corporate and financial world in which [the Beneficiary] has worked as an attorney and business development professional," individual names are not typically featured in media coverage "other than, for example, those of the companies' CEOs or Chairs." Therefore, the Petitioner affirmed that, "**by the standards of [the Beneficiary's] field . . . it is not typical for such individuals to have press coverage attributed to them.**" The Petitioner provided a letter from [REDACTED] Information Counselor at the [REDACTED] attesting that the [REDACTED] media coverage appears in publications which are authoritative and of wide circulation in the field. The Petitioner also submitted additional published materials about [REDACTED] relating to the firm's work in the field, none of which mention the Beneficiary by name.

In addition to evidence relating to [REDACTED] the record includes promotional materials and numerous published articles about the short film, [REDACTED] and a letter from [REDACTED] producer/director/writer of the film. [REDACTED] credits the Beneficiary with the film's success because of "a singularly successful distribution strategy which resulted in the short film being selected at 25+ festivals worldwide, including some of the most prestigious ones." The

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promotional materials concerning the film confirm that the Beneficiary was one of its producers and the published articles show that the film was screened at various film festivals and was the recipient of several awards.

The plain language of the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(3) specifically requires published material “about the alien.” The record contains published articles about [REDACTED] and [REDACTED] none of which mentions the Beneficiary. The Director, therefore, determined that the Petitioner has not submitted evidence that satisfies this criterion.

On appeal, the Petitioner urges that the published material about [REDACTED] should be considered comparable evidence of the Beneficiary’s eligibility under the provision at 8 C.F.R. § 214.2(o)(3)(iii)(C). As discussed above, section 291 of the Act, 8 U.S.C. § 1361, places the burden of proof on the party seeking benefits. It is the Petitioner’s burden to explain why the regulatory criteria do not readily apply to the Beneficiary’s occupation and how the evidence is “comparable” to the objective items required at 8 C.F.R. § 214.2(o)(3)(iii). Although [REDACTED] asserts that in the field of marketing and business development it would not be typical for a particular attorney’s name to be mentioned in media coverage about the company, the submitted exhibits do not support [REDACTED] statement. Rather, in many of the published articles about [REDACTED] work in the field, the names of law associates who worked on a particular deal are singled-out, along with those of the firm’s law partners. Therefore, the submitted exhibits do not establish, as the Petitioner maintains, that in the field of marketing and business development there is not media coverage of individual firm associates such that the criterion is not readily applicable to the Beneficiary’s occupation. Where a beneficiary is simply unable to meet or submit documentary evidence meeting a criterion, the plain language of the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(C) does not allow for the submission of comparable evidence.

Further, the published materials about the short film cannot be considered comparable evidence under this criterion because they do not relate to work “in the field for which classification is sought” as required by the plain language of the regulation. The published materials do not indicate that the film obtained media attention for work in the field of business. Based on the foregoing, the Petitioner has not established that the Beneficiary meets the criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(3).

*Evidence of the alien’s participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought*

The Director determined that the Petitioner’s evidence does not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(4). In support of this criterion, the Petitioner submitted two letters from [REDACTED] Associate Professor at [REDACTED] who met the Beneficiary in 2013 while she was a consultant at [REDACTED]. In the initial letter, she indicated that the Beneficiary acted as the external “juror” for student team presentations on a specific case study for her business development course, “Lawyers, Law Firms & the Economy.” She explained that the case

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study focused on the marketing strategy to be pursued by a law firm that was facing a number of challenges. She described the Beneficiary's role as providing the students with "high-level, real-world input and feedback from someone who led such a function" at a prestigious law firm. In [REDACTED] second letter she praised the Beneficiary's "significant and valuable involvement in judging the work of my students." She explained that her course required students to work in groups examining case studies and presenting each group's conclusions at a plenary session, and that she invited the Beneficiary "to attend the plenary session on Marketing and Business Development issues." [REDACTED] provided course material for the course.

The phrase "a judge" implies a formal designation in a judging capacity, either on a panel or individually as specified in the regulation. We do not read the regulation to include informal instances of student business instruction, interaction, and evaluation in a law school educational setting. Here, there is no documentary evidence reflecting the Beneficiary's responsibilities so as to demonstrate that he judged the work of others as opposed to simply presiding over a discussion, panel, or presentation and providing informal feedback to students. We cannot conclude that providing services as a visiting "juror" in a law school class equates to participation as "a judge" of the work of others in the field. Accordingly, we agree with the Director's determination that the Petitioner has not established that the Beneficiary meets the plain language of this regulatory criterion.

*Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field*

The Director determined that the Petitioner's evidence does not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(5). In maintaining that the Beneficiary meets this criterion, the Petitioner emphasizes that the Beneficiary's roles as executive producer of the short film [REDACTED] and as chief operating officer (COO) of the journal [REDACTED]

Regarding the Beneficiary's role as executive producer of the film, the Petitioner's initial evidence included the previous promotional materials and articles about the film and the letter from [REDACTED] crediting the Beneficiary with its success because of "a singularly successful distribution strategy which resulted in the short film being selected at 25+ festivals worldwide, including some of the most prestigious ones." The film's promotional materials describe the Beneficiary as "one of the key members of the film's financing, marketing and distribution [strategy]," and the published materials show that the film was screened at various film festivals and was the recipient of several awards. The Director's RFE advised the Petitioner that the above material was insufficient to establish eligibility under this criterion, and requested additional evidence. In response, the Petitioner referred back to the above documentation, and provided additional media coverage of the film and a letter from [REDACTED] a Spanish filmmaker and self-described expert in the Spanish international film industry. The letter states that the short film [REDACTED] is "of exceptional significance and impact, and [the Beneficiary's] efforts have been central to its success," because of the Beneficiary marketing strategy he designed. Although [REDACTED] described the film as having "exceptional significance and

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impact,” he did not state that the film had any impact in the business field, nor did he indicate he is a recognized expert in that field.

Concerning the Beneficiary’s role as COO of the journal [REDACTED] the Petitioner’s initial submission included a letter from [REDACTED] a member of the advisory board of the journal, describing it as “the first (and to date the only) scholarly publication . . . in the Spanish-speaking world at large, which focuses on private equity and venture capital.” He credited the Beneficiary with having “led the effort to make the journal the respected resource it has become” through redesign of the journal’s web-page and print editions that resulted in a six-fold increase in page views and users and a 300% increase in subscriptions. The Petitioner also provided material from the journal’s website and an article from the website [REDACTED] summarizing the journal’s conclusion that tech startups related to e-commerce led Spain’s 2014 private equity and venture capital investments.

In response to the Director’s RFE the Petitioner’s provided a letter from [REDACTED] an additional member of the advisory board of the journal, stating that the Beneficiary’s “contributions and impact have been critical in taking [the journal] to the prestigious and influential position in the Spanish-speaking world that it enjoys today.” [REDACTED] discussed “the contribution that [the journal] has had in the Spanish private equity space,” explaining that private equity investment in Spain is “a relatively new activity” and that the journal was created in 2007 “to fill a gap relating to a new major sector of the economy that was not being expressly covered by any other platform.” [REDACTED] concludes that the journal constitutes “a major and original contribution to the scientific (such as law, finance, and economy), academic, and business fields in Spain” and that the Beneficiary, as the journal’s COO, “played a central and indispensable role in the creation of this contribution.”

On appeal, the Petitioner again refers to the Beneficiary’s above roles as “original contributions to his field,” because the short film “won major acclaim” and the journal “has had widespread influence in the field.” Upon review, we conclude that the above evidence is insufficient to establish eligibility under 8 C.F.R. § 214.2(o)(3)(iii)(B)(5). As previously discussed, the Petitioner submissions do not establish that the Beneficiary’s work on the short film [REDACTED] held significance in the business field. Regarding the journal, the letters of [REDACTED] and [REDACTED] describe the contributions the Beneficiary made to the journal that resulted in great increases in the publication’s page views and subscriptions. While the letters establish the Beneficiary’s importance to the journal as its COO, the Petitioner did not establish how his particular contributions to that publication were of major significance or impact in the field of marketing and business development. The fact that the Beneficiary was the COO of an original, successful journal does not automatically establish that he made a contribution of major significance in the field. Rather, the significance of the innovation must be established on a case-by-case basis, which the Petitioner has not done here.

We note that USCIS may in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm’r 1988). However, USCIS is ultimately responsible for making the final determination regarding an individual’s eligibility for the benefit sought. *Id.* Upon review, the preceding letters of recommendation

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demonstrate that the Beneficiary's work has earned the respect and admiration of those with whom he has collaborated and consulted, but these letters do not establish that he has made original business-related contributions of major significance in his field.

On appeal, the Petitioner argues that the Director imposed novel and substantive evidentiary requirements beyond those stated in the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(5). Counsel urges that "[t]here is no requirement that a beneficiary's contributions influence others in his field; nor a requirement that the [B]eneficiary's contributions change his field; nor a requirement that his work be used and implemented by others." The Petitioner further affirms that "**even if one accepts this interpretation as valid, [the Beneficiary's] contributions do in fact meet these standards.**" According to the plain language of this criterion, a foreign national's contributions must be not only original but of major significance. The phrase "major significance" is not superfluous and, thus, it has some meaning. *Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F. 3d 28, 31 (3<sup>rd</sup> Cir. 1995) *quoted in APWU v. Potter*, 343 F.3d 619, 626 (2<sup>nd</sup> Cir. Sep 15, 2003). Although counsel objects to the Director's discussion as to whether the Beneficiary's work has influenced the field, we find that a demonstrable influence on the field is in fact necessary in order to meet this criterion.

Regardless of the field of endeavor, the plain language of the phrase "contributions of major significance in the field" requires evidence of an impact beyond one's employer and clients or customers. *Cf. Visinscaia v. Beers*, --- F. Supp. 2d ---, 2013 WL 6571822, at \*8 (D.D.C. Dec. 16, 2013) (upholding a finding that a ballroom dancer had not met this criterion because she did not demonstrate her impact in the field as a whole). Without documentation showing that the Beneficiary's work has been unusually influential, highly acclaimed throughout his field, or has otherwise risen to the level of original contributions of major significance, we cannot conclude that he meets this criterion. Here, the Petitioner has not established that the Beneficiary's work in the field has had a demonstrable impact on the field as a whole commensurate with a contribution of major significance. Based on the foregoing, the Petitioner has not established eligibility under the criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(5).

*Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation*

The Director determined that the Petitioner's evidence satisfies the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(7). On the basis of the evidence submitted, including letters describing his role and accomplishments at [REDACTED] we concur with the Director's determination that the Petitioner established the Beneficiary has been employed in a critical or essential capacity for that firm. Based on the above, the Petitioner has established that the Beneficiary meets this criterion.

### III. CONCLUSION

The Petitioner has not submitted qualifying material under 8 C.F.R. § 214.2(o)(3)(iii)(A) and the exhibits do not satisfy at least three criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B) or the comparable evidence

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provision at 8 C.F.R. § 214.2(o)(3)(iii)(C). Consequently, the Petitioner has not established that the Beneficiary is eligible for the O-1 visa classification as a foreign national with extraordinary ability in business.

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. 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.

**ORDER:** The appeal is dismissed.

Cite as *Matter of G-L-, Inc.*, ID# 16732 (AAO June 15, 2016)