U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 22052929

Date: SEP. 23, 2022

Appeal of California Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (H-3)

The Petitioner seeks to temporarily accept the Beneficiary as an "apprentice/trainee" under the H-3 nonimmigrant trainee program. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(H)(iii), 8 U.S.C. § 1101(a)(15)(H)(iii). The H-3 program allows an individual or organization in the United States to invite certain foreign nationals to receive job-related training that is not available in their home country, for work that will ultimately be performed outside of the United States.

The Director of the California Service Center denied the petition, concluding that the Petitioner had had not satisfied several regulatory requirements for approval of a petition for an H-3 trainee. On appeal, the Petitioner asserts that the Director's decision was erroneous.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

Section 101(a)(15)(H)(iii) of the Act describes an H-3 nonimmigrant as a foreign national ". . . who is coming temporarily to the United States as a trainee . . . in a training program that is not designed primarily to provide productive employment. . . ."

The regulations define the H-3 nonimmigrant at 8 C.F.R. § 214.2(h)(7)(i) as follows:

> *Alien trainee.* The H-3 trainee is a nonimmigrant who seeks to enter the United States at the invitation of an organization or individual for the purpose of receiving training in any field of endeavor, such as agriculture, commerce, communications, finance, government, transportation, or the professions, as well as training in a purely industrial establishment. This category shall not apply to physicians, who are statutorily ineligible to use H-3 classification in order to receive any type of graduate medical education or training.

The particular rules governing petitions for H-3 trainees are divided into two major parts, at 8 C.F.R. § 214.2(h)(7). They are:

- "Evidence required for petition involving alien trainee" - at 8 C.F.R. § 214.2(h)(7)(ii)(A) ("Conditions") and (B) ("Description of training program"). The conditions subparagraph specifies four training attributes that the petitioner must demonstrate with regard to the proposed training program; the training-program description provisions specify six items of information that the petitioner must provide about the proposed training.

- "Restrictions on training programs for alien trainee" - at 8 C.F.R. § 214.2(h)(7)(iii). This section identifies six types of training programs that cannot be approved as a basis for an H-3 trainee petition.

Subparagraph (A) of the section on required evidence, at 8 C.F.R. § 214.2(h)(7)(ii), states the conditions as follows:

> *Conditions*. The petitioner is required to demonstrate that:
>
> *(1)* The proposed training is not available in the [foreign national]'s own country;
>
> *(2)* The beneficiary will not be placed in a position which is in the normal operation of the business and in which citizens and resident workers are regularly employed;
>
> *(3)* The beneficiary will not engage in productive employment unless such employment is incidental and necessary to the training; and
>
> *(4)* The training will benefit the beneficiary in pursuing a career outside the United States.

Subparagraph (B) at 8 C.F.R. § 214.2(h)(7)(ii), specifies aspects of the training program that must be described in the record. It states:

> *Description of training program*. Each petition for a trainee must include a statement which:
>
> *(1)* Describes the type of training and supervision to be given, and the structure of the training program;
>
> *(2)* Sets forth the proportion of time that will be devoted to productive employment;
>
> *(3)* Shows the number of hours that will be spent, respectively, in classroom instruction and in on-the-job training;

(4) Describes the career abroad for which the training will prepare the alien;

(5) Indicates the reasons [(a)] why such training cannot be obtained in the [foreign national]'s country and [(b)] why it is necessary for the [foreign national] to be trained in the United States; and

(6) Indicates the source of any remuneration received by the trainee and any benefit, which will accrue to the petitioner for providing the training.

The regulation at 8 C.F.R. § 214.2(h)(7)(iii), *Restrictions on training program for [foreign national] trainee,* provides a list of characteristics that will preclude an H-3 training plan from being approved as a valid basis for an H-3 trainee petition. The regulation reads as follows:

> *Restrictions on training program for [foreign national] trainee.* A training program may not be approved which:
>
> (A) Deals in generalities with no fixed schedule, objectives, or means of evaluation;
>
> (B) Is incompatible with the nature of the petitioner's business or enterprise;
>
> (C) Is on behalf of a beneficiary who already possesses substantial training and expertise in the proposed field of training;
>
> (D) Is in a field in which it is unlikely that the knowledge or skill will be used outside the United States;
>
> (E) Will result in productive employment beyond that which is incidental and necessary to the training;
>
> (F) Is designed to recruit and train [foreign nationals] for the ultimate staffing of domestic operations in the United States;
>
> (G) Does not establish that the petitioner has the physical plant and sufficiently trained manpower to provide the training specified; or
>
> (H) Is designed to extend the total allowable period of practical training previously authorized a nonimmigrant student.

II. BACKGROUND

The Petitioner identified itself as an accounting firm with several offices in the United States and one office in [redacted] China. It claimed that it intends to sponsor the Beneficiary as an H-3 trainee for an

unspecified period of time[1] as a "consultant." According to the Petitioner, the Beneficiary, a patent attorney, will receive training "about the basics of US patent prosecution skills" based on a "framework cooperation agreement between the employer and the beneficiary." The Petitioner claimed that the training program will benefit its organization "in the sense that it may help the employer and the beneficiary to co-develop the business in China."

III. ANALYSIS

In denying the petition, the Director determined that the Petitioner had not sufficiently described the proposed training program as required under 8 C.F.R. § 214.2(h)(7)(ii)(B), concluding that the proposed training program did not meet the regulatory requirements because it dealt in generalities. The Director also determined that the Petitioner had not demonstrated that the training met the four training attributes outlined under 8 C.F.R. § 214.2(h)(7)(ii)(A), because the record did not demonstrate that the proposed training was unavailable in the Beneficiary's home country, that the Beneficiary will not be placed in a position which is in the normal operation of the business, any productive employment engaged in by the Beneficiary would only be incidental and necessary to the training, and the training will benefit the Beneficiary in pursuing a career outside of the United States. The Director also concluded that the record did not establish that the Petitioner has the physical premises and sufficiently trained personnel to provide the training specified pursuant to 8 C.F.R. § 214.2(h)(7)(iii)(G).

On appeal, the Petitioner asserts that the Director's decision was erroneous, and submits a brief and additional evidence in support of this assertion. Upon review of the record in its entirety, we conclude that the Petitioner has not established eligibility for the requested benefit.

A. Nature of the Proposed Training Program

The regulation at 8 C.F.R. § 214.2(h)(7)(ii)(B)(*1*) requires the Petitioner to submit a statement describing "the type of training and supervision to be given, and the structure of the training program," and 8 C.F.R. § 214.2(h)(7)(iii)(A) precludes approval of a training program which "[d]eals in generalities with no fixed schedule, objectives, or means of evaluation."

The Petitioner initially stated that the Beneficiary's training would focus on patent prosecution and would be primarily classroom-based. The Petitioner stated that the training would be structured into

[1] The Petitioner did not state the intended dates of the training program, and it also failed to complete Part 5 of the Form I-129, Petitioner for a Nonimmigrant Worker (Form I-129), as required by 8 C.F.R. § 103.2(b)(1). We note that the Form I-129 instructions state, "If you do not completely fill out the form, you will not establish a basis for eligibility, and we may deny your petition." *See* https://www.uscis.gov/sites/default/files/document/forms/i-129instr.pdf (last visited Sep. 22, 2022; *see also* 8 C.F.R. § 103.2(a)(1) (incorporating the instructions into the regulations). The Petitioner was given an opportunity to submit a completed Form I-129 prior to the denial of the petition but did not do so.

nine modules, with each module devoted to a specific topic. In summary, the training program was presented as follows:

Modules	Topic	Lessons	Runtime
Introduction	Introduction to Patent Law	7	1 hour 2 minutes
Module I	Application Types	8	59 minutes
Module II	Application Contents	10	1 hour 32 minutes
Module III	Application Filing	11	1 hour 35 minutes
Module IV	International Applications	4	35 minutes
Module V	Examination Basics	11	1 hour 37 minutes
Module VI	Rejections not based on prior art	6	1 hour 1 minute
Module VII	Novelty Rejections	8	1 hour 24 minutes
Module VIII	Examination Considerations	6	47 minutes

The Director issued a request for evidence (RFE), stating that the Petitioner's initial description of the training was too general. Specifically, the Director noted that the description of the proposed training provided neither a meaningful account of the Beneficiary's day-to-day activities during the entire training period nor an adequate description of the complete training program and schedule. The Director requested that the Petitioner provide additional evidence such as copies of lesson plans and training materials for this training program or its most recent training program; copies of the Petitioner's standard trainee performance appraisal guidelines and sample appraisals from former students/trainees; a detailed account of the training program describing the type of training and supervision to be given, the proportion of time devoted to productive employment, the number of hours devoted to classroom and on-the-job training, and means of evaluation; and pamphlets, brochures, website excerpts, or other printed material outlining the nature of the training. The Director also noted that the Petitioner did not provide the dates of intended employment or the length of the proposed training program, and requested that such information be provided.

In response, the Petitioner provided an updated description of the training program, indicating that the training was organized by [redacted] and [redacted] from [redacted] According to the syllabus provided, the course "will provide all the tools necessary to hit the ground running in patent practice." The Petitioner indicated that the course was offered either as a live course or on demand, and claimed that neither was available in the Beneficiary's home country of China. According to the Petitioner, the on demand course was approximately 30 hours long, with 24 hours devoted to classroom training and the remaining time devoted to eight one-hour tutorial sessions.[2] No information was provided regarding the length and structure of the live course, and the method of instruction the Beneficiary would receive remained unspecified.

The Petitioner submitted a course syllabus, indicating that the material was copyrighted by [redacted] According to the syllabus, the training schedule will be conducted "at your own pace"

[2] The Petitioner also indicated that included in the course was a post course with over 10 additional hours of recordings, 12 monthly mentoring sessions, and six months of free access to Invent+Patent System™, a "DIY Provisional Patent drafting system."

with a maximum of three months to complete the course once started. Training materials are identified as "6 months access to [redacted] which appears to be a proprietary system of [redacted] and "course materials." Although the Petitioner submitted a copy of the table of contents entitled "Patent Practice Training Course Materials," the actual materials were not submitted.

In denying the petition, the Director determined that the Petitioner's RFE response had not overcome the deficiencies noted in the training program's description, and we agree with the Director's finding that the Petitioner's description of the training program does not satisfy 8 C.F.R. § 214.2(h)(7)(ii)(B)(*1*) or 8 C.F.R. § 214.2(h)(7)(iii)(A). While the regulations do not require a petitioner to account for every minute, or even every hour, of a beneficiary's time, the plain language of the regulations requires a petitioner to sufficiently describe a training program's structure, the type of training, and the supervision to be given, and to also establish that the program does not deal in generalities. The description, therefore, must be meaningful. However, the Petitioner's description does not adequately convey the essential aspects of the program.

Preliminarily, we note that the regulation at 8 C.F.R. § 214.2(h)(7)(iii)(C) precludes approval of a training program which is to be provided on behalf of a beneficiary who already possesses substantial training and expertise in the proposed field of training. The Beneficiary is a patent attorney, and he confirmed in a signed statement submitted with the petition that he "has been practicing patent matters in China for many years." In reviewing the Beneficiary's resume, we observe that he earned a Juris Master Degree (Civil and Commercial) from [redacted] University of Political Science and Law, a Master of Laws degree in European Law from the University of [redacted], and a Master of Laws degree in Intellectual Property from [redacted] University. In addition to holding a People's Republic of China Lawyer's License, Patent Agent License, and membership in the State Bar of [redacted] his resume indicates that he is a member of the U.S. Patent Bar by virtue of obtaining a passing score of the patent bar examination issued by the U.S. Patent and Trademark Office (USPTO) in 2018. His resume indicates that his practice areas include intellectual property, patent law, technology law, and dispute resolution, and his resume highlights several of his professional accomplishments which include helping a Chinese start-up company on global patent prosecution and patent dispute resolution. His resume indicates that he has been practicing law in China since 2010, and is currently a partner at the firm of [redacted] in [redacted]. His publications include articles such as [redacted]." The record also includes letters from prior employers confirming the Beneficiary's experience in the field of patent law.

The Beneficiary's resume not only attributes a wide spectrum of education and experience in patent law and intellectual property, but it also suggests that the Beneficiary is already substantially educated, trained, and experienced in the areas that would be the subject of the proposed training program. For instance, the first module of the training states that "the goal of this introductory module is to provide you with the fundamentals of patent law." Moreover, the training describes the fundamental of patent applications, indicating that the topic of "Examination Basics" will explain the basic of how to prepare and file a patent application with the USPTO. Although the Petitioner asserts that the Beneficiary has very little experience with U.S. patent law, the record demonstrates that the Beneficiary has been assisting international clients in the field of patent law since 2010, possesses a Master of Laws degree in intellectual property from a U.S. university, and has passed the USPTO Registration Examination. The record as constituted does not overcome the evidence indicating that the proposed training program falls within the 8 C.F.R. § 214.2(h)(7)(iii)(C) proscription against approval of a training

program offered "on behalf of a beneficiary who already possesses substantial training and expertise in the proposed field of training."

Regarding the method of instruction, the syllabus indicated the course would be presented by a third-party vendor in a webinar format that was available on demand. The Petitioner's description of the training listed nine modules for training, which the syllabus referred to as "sessions," but it did not provide any details regarding the days or times during which training would be held. Moreover, despite providing a general overview of each topic to be covered, no further information regarding these topics was submitted. The Petitioner did not specify the number of instructional hours/weeks that would be associated with each particular topic, and the manner in which instruction would be administered is unclear. Again, in response to the RFE, the Petitioner submitted information regarding an online training program offered by [redacted] but this documentation and associated syllabus indicate that the training is offered in online format at the trainee's own pace.

Despite asserting that the majority of the Beneficiary's training will be classroom training, the Petitioner did not articulate any details regarding the nature of any classroom training beyond identifying the topics to be covered. This omission is significant given the contradictory indications from the syllabus, which suggest that the training is conducted by a third-party entity online, in webinar format. The record does not contain lesson plans or documentation outlining the manner in which the instruction would be presented. Although the Petitioner submitted a table of contents for the "course materials," the actual course materials were not submitted. Moreover, it appears that complimentary access to the training company's propriety system is offered as part of the course, but no information regarding that system or its contents was submitted. The training overview provided by the Petitioner lacked specific details regarding the manner in which the subject material would be presented or the manner in which the Beneficiary's work would be evaluated and appraised.

Moreover, the Petitioner did not discuss or provide details regarding the type of instruction the Beneficiary would receive, or his level of involvement, if any, in on-the-job training or instruction. In fact, the Petitioner declined to specify the duration of the proposed training or the dates of intended employment, and it affirmatively stated that there would be no employment relationship with the Beneficiary. Absent further details or clarification, it is unclear exactly what the Beneficiary will be doing and learning during his time as an H-3 trainee.

Upon review, we conclude that the stated training goals are vague and broadly stated. The syllabus indicates that the training is available in on demand format online. Absent additional details regarding additional methods of training, whether via classroom or on-the-job, the record is insufficient to establish that the Beneficiary's training would be governed by a fixed schedule, already determined by specific time periods designated for a specific training, and also characterized by objectives or means of evaluation. For example, although the syllabus indicates that homework will be assigned, no additional information regarding these assignments was submitted, and there is no means of evaluation identified for any portion of the proposed training.

Moreover, the nature of the Beneficiary's supervision and means of evaluation are likewise unclear. The syllabus submitted in response to the RFE indicated that the Beneficiary will participate in an online training course created by [redacted] and [redacted] Because it is an online course available on demand, it is unclear if there will be active instructor participation. Although we know that [redacted]

[redacted] and [redacted] are the course creators, there is insufficient evidence explaining who, if anyone, will moderate the course. Moreover, given the on demand status of the course, it is unclear whether the Beneficiary will have live interaction with instructors or trainers or simply watch pre-recorded sessions at his own pace. Since there is no indication that the Beneficiary will be under anyone's direct supervision or that a method of evaluation exists for the training, it is unclear how the Beneficiary's work will be evaluated, if at all.

The lack of information regarding the means of evaluation for the Beneficiary, coupled with the inconsistencies regarding the manner of instruction, the training schedule, and the amounts of time to be devoted to each aspect of the proposed training, raises questions regarding the true nature of the training program. 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). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.*

Finally, the regulation at 8 C.F.R. § 214.2(h)(7)(ii)(B)(*2*) requires that the description of the training program "[s]ets forth the proportion of time that will be devoted to productive employment." The Petitioner did not specify the proportion of time the Beneficiary would devote to productive employment, and instead provided contradictory assertions regarding this issue. Because the overview of the training program is so generalized, the extent of his productive employment cannot not be determined.

Given the inconsistencies in the record regarding the nature of the training plans, the coursework, and the means of evaluation of the Beneficiary's progress, we conclude that the training program deals in generalities with no fixed schedule, objectives, or means of evaluation. Moreover, the Beneficiary's prior training and experience in the proposed field raises questions regarding the validity of the training program. For the above stated reasons, we find that the evidence of record satisfies neither 8 C.F.R. § 214.2(h)(7)(ii)(B)(*1*) nor 8 C.F.R. § 214.2(h)(7)(iii)(A), (B) or (C).

B. Availability of the Proposed Training

The Director also determined that the Petitioner had not provided sufficient evidence to satisfy the condition at 8 C.F.R. § 214.2(h)(7)(ii)(A)(1), which states that the H-3 petitioner "is required to demonstrate" that "[t]he proposed training is not available in the alien's own country."

The record includes a statement from the Petitioner's CEO, indicating that "[t]he proposed training cannot be obtained in the native country of the beneficiary because there are few qualified U.S. patent attorneys residing in China which renders training resource very much scarce in China. Additionally, receiving the training in US, as compared to remote training, will help the beneficiary to understand the hands-on practice." This statement does not sufficiently demonstrate that the proposed training is not available in China, the Beneficiary's home country. The statement does not adequately explain the basis of the author's knowledge, and does not specifically address the nature or availability of the training program. Further, the Petitioner's blanket statement that the proposed training is not available

in China is not substantiated. The statement falls short of establishing that no public or private organizations in China offer similar training to that currently offered to the Beneficiary.

The Petitioner also submitted a "Letter of Statement" from [redacted] who claims to be a patent attorney with a prominent Chinese law firm who is also qualified to practice law in California and before the USPTO.[3] [redacted] claims that "there is no commercial training program teaching the US patent law in China. First of all, training can only be conducted by a patent attorney qualified before the USPTO." [redacted] further stated, "Practically anyone interested in obtaining US patent law training must travel to the US and attend such a program. I have been trained in one such program which ultimately helped me to become qualified before the USPTO." As noted above, the Beneficiary submitted evidence indicating that he previously studied intellectual property law in the United States and has already passed the USPTO Registration Examination for Patent Attorneys and Patent Agents, thereby raising significant questions with regard to the inherent nature of the proposed training and the need for the Beneficiary to travel to the United States for such training.

The Petitioner also provided screenshots from the websites for the China Intellectual Property Training Center and the All China Patent Agent Association in support of the assertion that these entities, which the Petitioner asserted are the two major training hubs in China, do not provide this training. As noted above, absent additional evidence, this documentation falls short of establishing that no public or private organizations in China offer similar training to that currently offered to the Beneficiary.

On appeal, the Petitioner submitted screenshots of blank web pages in support of the assertion that the online training offered by [redacted] is not available in China because many U.S. websites are blocked. The screenshots are difficult to read, but appear to visit a website with the word "crowdcast" in the web address. The relevance of this web address is unclear, as the online training material submitted in support of the petition indicate that the training is offered by [redacted] Moreover, the fact that one company's online patent training may not be readily accessed online in China is insufficient to demonstrate that no other public or private companies offer similar training, whether online or in person.

Absent additional evidence to support these assertions, we conclude that the Petitioner has not demonstrated that "[t]he proposed training is not available in the alien's own country," as specified at 8 C.F.R. § 214.2(h)(1)(ii)(E).

C. Position in the Normal Operation of the Business

The provision at 8 C.F.R. § 214.2(h)(7)(ii)(A)(2) places upon the Petitioner an affirmative burden "to demonstrate" that the Beneficiary "will not be placed in a position which is in the normal operation of the business and in which citizens and resident workers are regularly employed."

The totality of the evidence does not provide a reliable, substantive account of how the Beneficiary would spend his training time. The training description divides the proposed training into nine modules of varying length, but the syllabus submitted in response to the RFE indicates that that the method of instruction will be online and "on demand," suggesting that the Beneficiary has the option

[3] This statement is not submitted on letterhead and includes an illegible signature.

to participate when convenient and not under a prescribed schedule. Although the Petitioner's description specifies topics for each of the nine modules, it does not identify specific subject matter by either days or weeks.

We also observe that the totality of evidence as a whole does not establish particular activities that the Beneficiary would perform during the training. The Petitioner asserts that the Beneficiary will not engage in productive employment, specifying that he will not be compensated or employed by the Petitioner in any fashion. However, the Petitioner also indicated in response to the RFE that the Beneficiary *may* work on its behalf, or on behalf of other companies, on a contractual or an as-needed basis. The Petitioner claims on appeal that these assertions reflect post-training opportunities only. However, the Petitioner chose not to state the duration of the training program and the dates of intended employment, and this intentional omission raises significant questions regarding the validity of the Petitioner's claims. Doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591.

In sum, as the record does not sufficiently show what the Beneficiary would actually be doing during his proposed training, nor does it accurately reflect the duration of the training or the dates of intended employment in this capacity. It therefore cannot be concluded that he "will not be placed in a position which is in the normal operation of the business and in which citizens and resident workers are regularly employed" as set forth at 8 C.F.R. § 214.2(h)(7)(ii)(A)(2).

D. Productive Employment

The regulation at 8 C.F.R. § 214.2(h)(7)(ii)(A)(*3*) requires that the Petitioner "demonstrate" that "[t]he beneficiary will not engage in productive employment unless such employment is incidental and necessary to the training." The evidence of record has not satisfied this condition.

As noted above, the Petitioner did not specify the proportion of time the Beneficiary would devote to productive employment. At the time of filing, the Petitioner stated as follows:

> The proposed training will be conducted mostly in the form of classroom courses, will not normally necessitate employment with the Beneficiary. Even though employment is required, it will be incidental and necessary to the training.

However, the Petitioner simultaneously indicated in Part 3 of the H Classification Supplement to the Form I-129 petition that the training does not involve productive employment incidental to the training. The Director requested clarification with regard to these contradictory statements in the RFE. In response, the Petitioner stated that the Beneficiary would not be involved in productive employment, but also stated that he may work with the Petitioner or other U.S. companies by contractual arrangement. The Petitioner also indicated that it may seek the Beneficiary's expert advice on an as-needed basis. The Director found this attempted resolution of the contradictory statements insufficient, and she determined that these unresolved inconsistencies coupled with the insufficient overview of the training program rendered it impossible to determine the extent to which the Beneficiary would be engaged in productive employment with the Petitioner.

On appeal, the Petitioner challenges the Director's determination, noting that it made it "crystal clear" in both the Form I-129 and corroborating evidence that the Beneficiary would not be engaged in productive employment. The Petitioner notes that it did not provide the amount of "other compensation" or the dates of intended employment in Part 5 of the Form I-129, as requested by the Director, because there was no productive employment to be considered.

Upon review, the record as constituted is insufficient to allow a determination regarding any productive employment associated with the proposed training. As noted above, the Petitioner declined to state what portion of training would be devoted to on-the-job training and whether any productive employment involved would be incidental and necessary to the training, Moreover, the vague assertions regarding the classroom portion of the training (i.e., 30 hours of training conducted via an on-demand webinar by a third-party entity) add further confusion to the nature of the proposed training. Finally, the Petitioner's refusal to state the dates of intended employment and duration of the intended training preclude us from examining the proposed training program and the Beneficiary's role in it, such that we can determine whether the Beneficiary's on-the-job training, if any, would exceed the allowable productive employment threshold. Failure to submit requested evidence which precludes a material line of inquiry shall be grounds for denying the petition. *See* 8 C.F.R. § 103.2(b)(14).

Although the Petitioner asserted in response to the RFE that the training program would not result in productive employment, it does not provide sufficient details to demonstrate, rather than just attest, that the Beneficiary "will not engage in productive in productive employment unless such employment is incidental and necessary to the training." The Petitioner had not satisfied the condition for approval at 8 C.F.R. § 214.2(h)(7)(ii)(A)(*3*).

E. Career Abroad

The regulation at 8 C.F.R. § 214.2(h)(7)(ii)(A)(*4*) requires that the evidence of record demonstrate that the training will benefit the Beneficiary in pursuing a career outside the United States; and 8 C.F.R. § 214.2(h)(7)(ii)(B)(*4*) requires the Petitioner to describe the career abroad for which the training will prepare the Beneficiary.

In Part 3 of the H Classification Supplement to the Form I-129 petition, the Petitioner answered "no" to the question of whether the proposed training will benefit the Beneficiary in pursuing a career abroad. However, in response to the RFE, the Petitioner claimed that the proposed training may help its company and the Beneficiary to "co-develop the business in China." As noted by the Director, no details on a particular business venture in China were provided, and the Petitioner has not resolved the question of what type of career the Beneficiary would ultimately pursue upon return to China. As previously noted, 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. at 591-92. Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.*

F. Additional Grounds for Denial

The Director denied the petition on two additional grounds. However, as the petition cannot be approved for the reasons discussed above, we will not further address these additional bases of denial.

IV. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative 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. The Petitioner has not met that burden.

ORDER: The appeal is dismissed.