

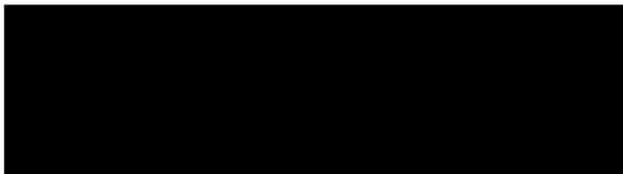
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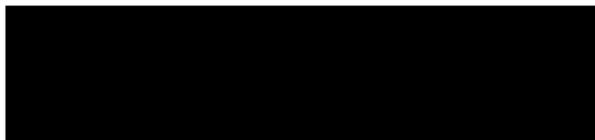
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FILE: WAC 03 244 54647 Office: CALIFORNIA SERVICE CENTER Date: JUN 20 2007

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

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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

*Robert P. Wiemann*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The service center director denied the nonimmigrant visa petition by decision dated June 10, 2004. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated June 29, 2006, the AAO withdrew the director's decision and remanded the matter to the director for entry of a new decision, which would address the issue of whether the beneficiary is qualified to serve in the pertinent specialty occupation in accordance with the relevant regulations on establishing a beneficiary as qualified for an H-1B visa. In response to the AAO's decision to remand, the director requested additional evidence from the petitioner. The petitioner did not respond to the director's request. The director then denied the Form I-129 petition and certified the matter to the AAO for review.

The record reflects that the petitioner was properly served with a notice of the director's certification to the AAO of her decision to deny the petition, and that the notice apprised the petitioner of its option to submit matters in response to the certification within 30 days. As no such matters have been received by the AAO, the record is complete and ready for adjudication.

The director based her certified decision on each of two independent grounds: (1) abandonment of the petition, based on the petitioner's failure to respond to the request for evidence, in accordance with the regulation at 8 C.F.R. § 103.2(b)(13); and (2) failure of the evidence of record to establish that the beneficiary satisfies the regulatory requirements for qualification to serve in the pertinent specialty occupation.

The AAO concurs with the director's decision. By its failure to reply to the director's request for evidence, the petitioner has abandoned the petition. This fact compels denial of the petition, in accordance with 8 C.F.R. § 103.2(b)(13). Further, the findings articulated in the director's decision on the beneficiary qualification issue are supported by the evidence of record, and the director's decision to deny the petition on the beneficiary qualification issue comports with the relevant regulations.

The director's decision will be affirmed. The petition will be denied.

**ORDER:** The director's April 2, 2007 decision is affirmed. The petition is denied.