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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

B.c

DATE: JAN 11 2012 OFFICE: NEBRASKA SERVICE CENTER

FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center (Director). It is now on appeal before the Chief, Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner seeks to permanently employ the beneficiary in the United States as psychotherapist and to classify her as a professional pursuant to section 203(b)(3)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii). The Director denied the petition on the ground that the evidence of record failed to establish that the beneficiary's academic degree from Argentina is equivalent to a master's degree in psychology from an institution of higher education in the United States, as required by the terms of the labor certification. A timely appeal was filed, accompanied by a brief from counsel.

On November 8, 2011, the AAO sent a Notice of Intent to Dismiss and Request for Evidence (NOID/RFE) to the petitioner, with a copy to counsel. The AAO referred to an additional resource – the Electronic Database for Global Education (EDGE) created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) – as indicating that the beneficiary's educational credential in Argentina – a *Licenciada en Psicología* – is comparable to a bachelor's degree in the United States. The petitioner was requested to reconcile this information with its claim that the beneficiary's education is comparable to a U.S. master's degree. In addition, the petitioner was requested to submit detailed information and evidence about every other petition it had filed for permanent employees (Form I-140 petitions) and temporary workers (Form I-129 petitions), as well as evidence of its ability to pay the proffered wage of every such beneficiary. The petitioner was afforded 45 days to respond to the NOID/RFE with additional evidence, and was advised that if no response was received the appeal would be dismissed without further discussion.

The petitioner did not respond within the 45-day period specified in the NOID/RFE (or any time since then). If a petitioner fails to respond to a request for evidence by the required date, the petition may be summarily denied as abandoned, denied based on the record, or denied for both reasons. *See* 8 C.F.R. § 103.2(b)(13)(i). The AAO alerted the petitioner that failure to respond to the NOID/RFE would result in dismissal since the appeal could not be substantively adjudicated without the documentation requested. As provided in 8 C.F.R. § 103.2(b)(14), the failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition.

In this case, the petitioner has not responded to the NOID/RFE of November 8, 2011, despite the AAO's warning that failure to respond would result in dismissal of the appeal without further discussion. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.