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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

[redacted]

B6

DATE: JUL 0 5 2012 Office: TEXAS SERVICE CENTER FILE: [redacted]

IN RE: Petitioner:
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:

SELF-REPRESENTED

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. On April 17, 2012, this office provided the petitioner with a request for evidence and afforded the petitioner an opportunity to respond to the request.

The petitioner is a law office. It seeks to employ the beneficiary permanently in the United States as a legal consultant. As required by statute, a labor certification accompanied the petition. Upon reviewing the petition, the director determined that the sole proprietor failed to establish his ability to pay the proffered wage and support his family.

On April 17, 2012 this office issued a Request for Evidence (RFE), notifying the sole proprietor that additional evidence and information was necessary before the AAO could render a decision. Evidence in the record demonstrated that the petitioner is a sole proprietor. The AAO requested that the petitioner provide evidence of his ability to pay the proffered wage and evidence of his monthly expenses.[1] In addition, the AAO requested evidence to demonstrate that the beneficiary is qualified to perform the duties of the proffered position with two years of qualifying employment experience.

The sole proprietor was informed in the RFE that if he chose not to respond, the AAO would dismiss the appeal without further discussion. The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. *See* 8 C.F.R. § 103.2(b)(14). The AAO further stated that it would be unable to substantively adjudicate the appeal without a meaningful response to the line of inquiry set forth in the request for evidence.

This office allowed the petitioner 45 days in which to provide the requested evidence. It is noted that the RFE was sent to the petitioner's last known address. More than 45 days have passed and there has been no response to this office's request for evidence. Thus, the appeal will be dismissed as abandoned.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.

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[1] The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).