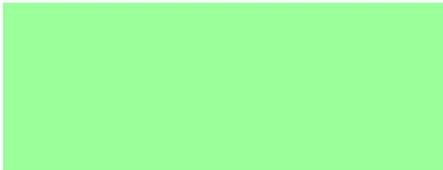




U.S. Citizenship
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Services

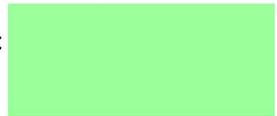
(b)(6)



DATE: JUN 20 2014

OFFICE: TEXAS SERVICE CENTER

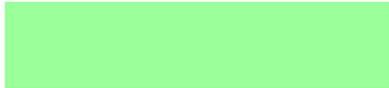
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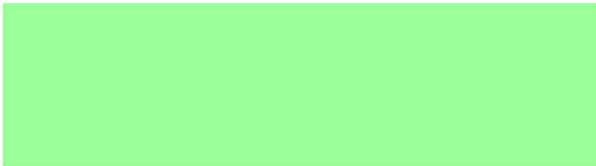
Petitioner:

Beneficiary:



PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner is a clinical information technology company. It seeks to permanently employ the beneficiary in the United States as a senior software developer and to classify him as an advanced degree professional pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

On November 18, 2013, the Director denied the petition on the ground that the petitioner failed to establish that the beneficiary had the requisite U.S. master's degree or foreign educational equivalent, as specified on the labor certification (ETA Form 9089). A timely appeal was filed, along with supporting documentation.

On March 25, 2014, the AAO issued a Request for Evidence and Notice of Intent to Dismiss (RFE/NOID) advising the petitioner of our intent to dismiss the appeal and requesting additional evidence of (1) the beneficiary's educational qualifications and (2) the petitioner's continuing ability to pay the proffered wage of the job offered from the priority date (May 4, 2012 – the date the labor certification application underlying the instant petition was accepted for processing by the U.S. Department of Labor) up to the present. The petitioner was afforded 45 days to respond to the RFE/NOID.

On May 8, 2014, counsel for the petitioner telefaxed a request to the AAO for a 30-day extension in which to file a response to the RFE/NOID. We then issued a new RFE/NOID, dated May 13, 2014, granting the petitioner 30 days in which to respond.

The petitioner did not respond to the second RFE/NOID within the 30-day period allowed, or at any time up to the date of this decision. If a petitioner fails to respond to a request for evidence or a notice of intent to deny 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). As further 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.

Since the petitioner has not responded to the RFE/NOID of May 13, 2014, the petition is deniable under the regulatory provisions cited above. Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is dismissed.