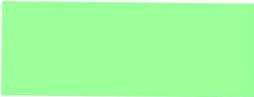




U.S. Citizenship
and Immigration
Services

(b)(6)



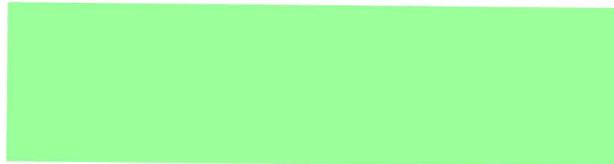
DATE: **JUN 27 2014** OFFICE: NEBRASKA SERVICE CENTER FILE: 

IN RE: 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, Nebraska Service Center (Director). It is now on appeal before the Chief, Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner describes itself as an auto repairs/tires/service business. It seeks to permanently employ the beneficiary in the United States as a sales manager and to classify her 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 December 14, 2012, the Director denied the petition on the ground that the petitioner failed to establish that the beneficiary had the requisite educational degree for classification as an advanced degree professional because her master's degree in business administration was not earned at an accredited academic institution. The petitioner filed a timely appeal.

On March 27, 2014, the AAO issued a Notice of Intent to Dismiss (NOID) the appeal. After noting that the record showed the beneficiary to have a bachelor of science in business administration from the Philippines which appeared to be equivalent to a U.S. baccalaureate degree, the AAO observed that the record failed to show that the beneficiary had five years of qualifying experience in the specialty, as required to elevate a bachelor's degree to an advanced degree as defined in 8 C.F.R. § 204.5(k)(2) and for the purposes of preference classification as an advanced degree professional. The petitioner was afforded 30 days to respond to the NOID and submit additional evidence to show that the beneficiary had five years of qualifying experience in the specialty.

The petitioner did not respond to the 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). 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).

Since the petitioner has not responded to the NOID of March 27, 2014, the petition is deniable under the regulatory provisions cited above. Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is dismissed.