

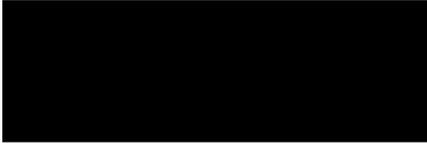
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE: DEC 05 2011 OFFICE: TEXAS SERVICE CENTER

FILE:

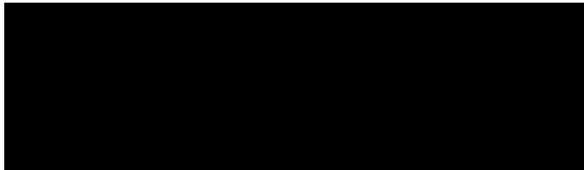


IN RE: Petitioner:
Beneficiary:



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, Texas 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 an administrative assistant and to classify her as a skilled worker pursuant to section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i). The Director denied the petition on the ground that the petitioner failed to establish that [REDACTED] – the petitioner identified on the Form I-140, Immigrant Petition for Alien Worker – is the same business entity as [REDACTED] – the employer identified on the Form ETA 750, Application for Alien Employment Certification. A timely appeal was filed, but no supporting documentation was submitted.

On September 2, 2011, the AAO sent a Request for Evidence (RFE) to the petitioner, with a copy to counsel. The AAO indicated that, in addition to evidence addressing the successor-in-interest issue discussed in the Director's decision, the petitioner needed to submit evidence of its ability to pay the proffered wage to the beneficiary as well as evidence that the beneficiary had two years of experience in the "job offered" or as an office supervisor, as required by the terms of the labor certification. The petitioner was afforded 45 days to respond to the RFE with additional evidence. The petitioner 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 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 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 RFE of September 2, 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.