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

(b)(6)

U.S. Citizenship and Immigration Services

Date: AUG 2 9 2012

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

The AAO issued a Notice of Intend to Dismiss the appeal (NOID) on June 21, 2012, requesting the petitioner to submit the following evidence: (i) a sworn statement or affidavit from all officers of the company stating they are willing and able to pay the difference between the beneficiary's salary and the proffered wage from the priority date until the beneficiary obtains lawful permanent residence; (ii) a photocopy of the petitioner's federal tax return for 2008, 2009, 2010, and, if available, 2011; (iii) photocopies of any Forms W-2 or 1099 issued by the petitioner to the beneficiary for 2007 to 2011, and; (iv) photocopies of the officers' Forms W-2 from 2004 to 2011. This office also requested verifiable evidence of the relationship between the beneficiary and the petitioner's owner, Saida Cadi-Boushor, and verifiable evidence that DOL was cognizant of that relationship when it certified the instant labor certification for the instant beneficiary. In addition, the AAO requested evidence to establish that the beneficiary possessed the required experience to perform the offered position.

The AAO specifically alerted the petitioner that failure to respond to the NOID would result in dismissal since the AAO could not substantively adjudicate the appeal without the information requested. 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).

Because the petitioner failed to respond to the NOID, the AAO is dismissing the appeal.

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.