



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **SEP 13 2012** OFFICE: NEBRASKA SERVICE CENTER FILE: [Redacted]

IN RE: Petitioner: [Redacted]
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:
[Redacted]

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, Nebraska Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as abandoned.

The petitioner describes itself as an adventure company. It seeks to employ the beneficiary permanently in the United States as an administrative assistant 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). As required by statute, a labor certification accompanied the petition.

The director's decision denying the petition concluded that the petitioner did not possess the ability to pay the proffered wage.

The AAO issued a notice on June 11, 2012 instructing the petitioner to submit IRS-certified copies of its entire 2005 amended tax return and its entire 2008 amended tax return. The notice also advised the petitioner that, if certified copies were not available from the IRS, then an IRS-issued transcript could be submitted. Additionally, the notice requested that the petitioner submit annual reports, federal tax returns or audited financial statements for 2009, 2010, and 2011, and any Forms W-2 or 1099 issued to the beneficiary by the petitioner since 2005.

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

To date, the AAO has not received a response to its notice. 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 notice, the AAO is dismissing the appeal as abandoned. *See* 8 C.F.R. § 103.2(b)(13)(i).

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 as abandoned.