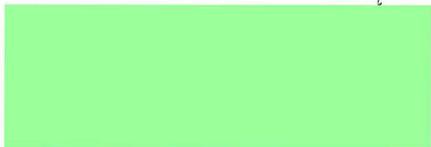




U.S. Citizenship
and Immigration
Services

(b)(6)



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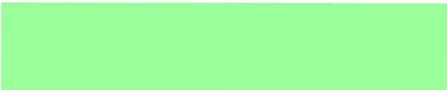
OFFICE: NEBRASKA SERVICE CENTER

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:

SELF-REPRESENTED

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.

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was initially approved by the Director, Nebraska Service Center (Director). The approval was subsequently revoked by the Director. The case is now on appeal before the Acting Chief, Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner is a global software consulting business. It seeks to permanently employ the beneficiary in the United States as a financial manager pursuant to section 203(b)(3)(A)(i) or (ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i) or (ii). Under section 203(b)(3)(A) of the Act preference classification may be granted to (i) skilled workers – "Qualified immigrants who are capable . . . of performing skilled labor (requiring at least 2 years of training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States," or (ii) professionals – "Qualified immigrants who hold baccalaureate degrees and who are members of the professions."

The Director's revocation decision rested primarily on his finding that the beneficiary's educational credentials from India are not equivalent to a U.S. bachelor's degree in one of the fields specified on the labor certification, Form ETA 750, as required to qualify for the job and for classification as a professional under section 203(b)(3)(A)(ii) of the Act. A timely appeal was filed, along with a brief from counsel contending that the beneficiary meets the labor certification requirements for classification as a professional or as a skilled worker, and that the Director neglected to consider whether the beneficiary might qualify for classification as a skilled worker. To ascertain the petitioner's intent with regard to the educational requirements for the job as expressed on the Form ETA 750, the AAO issued a Request for Evidence (RFE) on December 27, 2012, requesting the petitioner to provide copies of the documents submitted to the U.S. Department of Labor during the labor certification process. 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). 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.

Since the petitioner has not responded to the RFE of December 27, 2012, the appeal will be dismissed in accordance with the above regulations.

ORDER: The appeal is dismissed.