



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF B-G-, INC.

DATE: APR. 5, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a general merchandise wholesale company, seeks to employ the Beneficiary as a budget analyst. It requests classification of the Beneficiary as a professional under the third preference immigrant classification. *See* Immigration and Nationality Act (the Act) § 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). The Director, Nebraska Service Center, denied the petition. The matter is now before us on appeal. We will summarily dismiss the appeal.

The Form I-140 petition was filed on September 7, 2007. The petition was accompanied by an ETA Form 9089, Application for Permanent Employment Certification, which was filed with the Department of Labor (DOL) on March 29, 2007, and certified by the DOL (labor certification) on April 2, 2007.

On July 31, 2009, the Director denied the petition on the ground that the Petitioner did not establish its continuing ability to pay the proffered wage from the priority date of the petition (March 29, 2007) onward. The Petitioner filed a timely appeal, along with a brief and supporting documents.

On December 21, 2015, we issued a notice of intent to dismiss and request for evidence (NOID/RFE). We requested documentary evidence that the Petitioner is currently in business and in good standing with the State of California, as well as additional documentation to establish the Petitioner's ability to pay the proffered wage of the job offered from the priority date up to the present, and to resolve conflicting evidence regarding the Beneficiary's employer in 2007. The Petitioner was afforded 87 days to respond.

The Petitioner did not respond to the NOID/RFE within the 87-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). Accordingly, the appeal will be summarily dismissed.

**ORDER:** The appeal is summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).

Cite as *Matter of B-G-, Inc.*, ID# 15607 (AAO Apr. 5, 2016)