



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

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

MATTER OF C-G-

DATE: JAN. 12, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, which describes itself as a marketing and software solutions business, seeks to employ the Beneficiary as a senior software engineer. On the Form I-140, the Petitioner marked box "e" at Part 2, indicating that it seeks to classify the Beneficiary as a professional pursuant to section 203(b)(3)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed as abandoned.

Upon reviewing the petition, we identified numerous shortcomings in the petition and issued a notice of intent to dismiss (NOID) on November 27, 2015. Our NOID detailed the grounds of ineligibility and requested evidence to overcome noted deficiencies, including the following:

- We advised that the Petitioner had not established that the Beneficiary qualified as a professional and offered the Petitioner an opportunity to submit evidence to overcome the deficiencies in the evidence submitted;
- We advised that the Petitioner had not established that the Beneficiary possessed the educational credentials required by the labor certification and offered the Petitioner an opportunity to submit evidence to overcome the deficiencies in the evidence submitted;
- We advised that the Petitioner had not established that the Beneficiary satisfied the employment experience requirements of the labor certification and offered the Petitioner an opportunity to submit evidence to overcome the deficiencies in the evidence submitted;
- We advised that the Petitioner had not established that it is the legal successor in interest to the company that filed the labor certification and provided the Petitioner with an opportunity to submit evidence to clarify its legal status;
- We advised that the Petitioner had not established its ability to pay the proffered wage and offered the Petitioner an opportunity to submit additional documentation in support of the petition; and,
- We questioned whether the Petitioner intended to employ the Beneficiary in the offered position pursuant to the terms of the labor certification and requested additional evidence in order to establish its intent.

In our NOID we specifically alerted the Petitioner that failure to respond to the NOID would result in dismissal since we could not substantively adjudicate the appeal without the information

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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). As of the date of this decision, the Petitioner has not responded to our NOID. Because the Petitioner did not respond to the NOID, we are summarily dismissing the appeal as abandoned pursuant to 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 summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).

Cite as *Matter of C-G-*, ID# 14330 (AAO Jan. 12, 2016)