



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

(b)(6)



DATE:

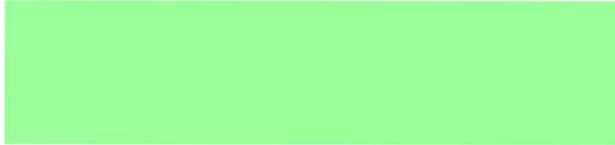
OCT 02 2014

OFFICE: CALIFORNIA SERVICE CENTER FILE:

IN RE:

Petitioner:

Beneficiary:



PETITION: Petition for a Commonwealth of the Northern Mariana Islands (CNMI) Only Nonimmigrant Transitional Worker Classification Pursuant to 48 U.S.C. § 1806(d)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed. The petition will be denied.

The petitioner submitted a Petition for a CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW) to the California Service Center on November 29, 2011. In the Form I-129CW visa petition, the petitioner describes itself as a business that provides general auto repair, towing service, and heavy equipment rental and lease. In order to employ the beneficiary in what it designates as an auto painter position, the petitioner seeks to classify him as a CNMI-Only Nonimmigrant Transitional Worker (CW-1) pursuant to 48 U.S.C. § 1806(d).

The director denied the petition on August 20, 2012, finding that the petitioner failed to establish that the beneficiary was lawfully present in the Commonwealth of the Northern Mariana Islands at the time the petition was filed. Thereafter, a Notice of Appeal or Motion (Form I-290B) was filed. We conducted a preliminary review of the record of proceeding and issued a Request for Evidence/Notice of Derogatory Information. The petitioner did not respond within the time period allowed in the notice, or any time since then.¹

If a petitioner fails to respond to a notice by the required date, a benefit request 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 further 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 benefit request.

As the petitioner has not responded to our notice, the benefit request is deniable under the regulatory provisions cited above. In the notice, we alerted the petitioner that failure to respond would result in dismissal of the appeal since we could not substantively adjudicate it without the information requested. Accordingly, the appeal will be dismissed, and the petition will be summarily denied as abandoned and denied due to the failure to submit requested evidence that precludes a material line of inquiry, making any remaining issues in this proceeding moot.

ORDER: The appeal is dismissed.

¹ The petitioner was afforded 84 days, plus three days for service by mail, to respond to the notice.