



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

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

MATTER OF M-E-S- INC

DATE: APR. 19, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a school, seeks to continue to employ the Beneficiary as a “teacher” under the H-1B nonimmigrant classification for specialty occupations: *See* Immigration and Nationality Act section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director of the Vermont Service Center denied the petition, concluding that the Petitioner: (1) did not establish that it is exempt from paying the higher fee requirement established with the American Competitiveness and Workforce Improvement Act; and, (2) did not sufficiently establish that it qualifies as a United States employer with an employer-employee relationship with the Beneficiary.

On appeal, the Petitioner submits additional evidence and asserts that the Director erred in denying the petition.

Upon *de novo* review, we will dismiss the appeal.

**I. LEGAL FRAMEWORK**

A benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons if a petitioner does not respond to a request for evidence or a notice of intent to deny by the required date. 8 C.F.R. § 103.2(b)(13)(i). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

**II. DISCUSSION**

U.S. Citizenship and Immigration Services (USCIS) records indicate that after the instant petition was filed, another employer filed a petition seeking nonimmigrant H-1B classification on behalf of the Beneficiary. USCIS records further indicate that the other petition was approved. We sent a letter to the Petitioner requesting verification of its intent to pursue this appeal, and have not

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received a response. Therefore, the appeal will be summarily dismissed because the Petitioner did not respond to our request within the time permitted.

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

Cite as *Matter of M-E-S- Inc.*, ID# 273114 (AAO Apr. 19, 2017)