



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

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

MATTER OF I-S- LLC

DATE: JAN. 27, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, an IT consulting company, seeks to temporarily employ the Beneficiary as a programmer analyst under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the 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, Vermont Service Center, denied the petition. The Director concluded that the Petitioner did not have the requisite employer-employer relationship with the Beneficiary. The matter is now before us on appeal. In its appeal, the Petitioner submits a brief and additional evidence and asserts that the Director's decision was erroneous. 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 we have not received a response. Therefore, the appeal will be summarily dismissed because the Petitioner did not respond to our request within the time permitted.

Matter of I-S- LLC

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

Cite as *Matter of I-S- LLC*, ID# 63521 (AAO Jan. 27, 2017)