



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

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

MATTER OF P-S-, INC.

DATE: OCT. 4, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a steel fabricator and supplier, seeks to temporarily employ the Beneficiary as a “structural steel drafter” 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 California Service Center denied the petition, concluding that the Petitioner did not establish that the proffered position qualifies as a specialty occupation. In its appeal, the Petitioner submits additional evidence and asserts that the Director erred in denying the petition.

We sent a request for evidence to the Petitioner requesting additional evidence in support of eligibility, and have not received a response. A benefit request may be 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). Therefore, the appeal will be dismissed as abandoned because the Petitioner did not respond to our request within the time permitted.

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

Cite as *Matter of P-S-, Inc.*, ID# 371977 (AAO Oct. 4, 2017)