

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



D2

Date:

**JUL 25 2011**

Office: VERMONT SERVICE CENTER

FILE: 

IN RE:

Petitioner:

Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

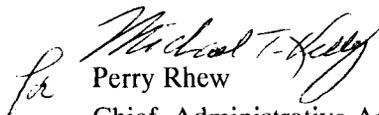
ON BEHALF OF PETITIONER: SELF-REPRESENTED

**INSTRUCTIONS:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, initially approved the nonimmigrant visa petition. Upon subsequent review of the record, the director issued a notice of intent to revoke (NOIR), and ultimately did revoke, approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a financial market analytics, publications, and software company that seeks to employ the beneficiary as a financial analyst. The petitioner, therefore, endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director noted that an Administrative Site Visit conducted on November 3, 2009 revealed that the petitioner's business did not appear to be located at the address shown on the I-129 petition and, therefore, did not appear to be a viable business able to offer the beneficiary qualifying H-1B employment. Consequently, the director issued the NOIR on May 20, 2010, requesting evidence demonstrating that the petitioner was a viable business. The petitioner did not respond, and the director revoked the approval on July 14, 2010.

On appeal, the petitioner submits Form I-290B which contains a brief statement. In general, the director's decision to revoke the approval of a petition will be affirmed, notwithstanding the submission of evidence on appeal, where a petitioner fails to offer a timely explanation or rebuttal to a properly issued notice of intent to revoke. *See Matter of Arias*, 19 I&N Dec. 568, 569 (BIA 1988). Thus, while the petitioner provides its new address and claims that it filed an application with the post office to forward its mail to this new address, there is no indication in the record that the petitioner filed a change of address with U.S. Citizenship and Immigration Services (USCIS) prior to the issuance of the NOIR. Moreover, USCIS records do not indicate that the NOIR was returned by the postal service as undeliverable.

No acceptable explanation, therefore, has been offered for the petitioner's failure to address the issues contained in the director's notice. Moreover, the petitioner's statement on Form I-290B does not specifically identify any errors on the part of the director. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

Finally, since the petitioner claims that "we estimate going out of business by the end of 2010, and will no longer require the H-1B after this date," it would appear that the issues in this proceeding are moot. While the petitioner has not withdrawn the appeal in this proceeding, it appears that the beneficiary's employment with the petitioner has been terminated.

**ORDER:** The appeal is summarily dismissed.