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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



D2

Date:

FEB 08 2012

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. Please note that all documents have
been returned to the office that originally decided your case. Please also note that any further inquiry must be
made to that office.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The petition will be summarily denied as abandoned.

The petitioner claims to be a commercial real estate lender and seeks to employ the beneficiary as a business development manager. The petitioner, therefore, seeks to employ the beneficiary as an H-1B nonimmigrant 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 denied the petition on July 22, 2010, and the AAO erroneously rejected the petitioner's appeal as untimely filed on September 12, 2011. Upon realizing its error, the AAO reopened the petition *sua sponte* on November 1, 2011.

Noting, however, that state corporate records indicated that the petitioner's corporate status had been revoked, the AAO requested evidence demonstrating that the petitioner is active and in good standing in the State of Tennessee in a request for evidence (RFE) dated December 15, 2011.¹ The petitioner failed to respond to the AAO's request.

A petition may be summarily denied as abandoned, denied based on the record, or denied for both reasons if a petitioner or applicant fails to 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). In the RFE, the AAO specifically alerted the petitioner that failure to respond to the RFE would result in dismissal since the AAO could not substantively adjudicate the appeal without the information requested. The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. *See* 8 C.F.R. § 103.2(b)(14).

Because the petitioner failed to respond to the RFE, the AAO is dismissing the appeal and summarily denying the petition as abandoned. The remaining issues in this proceeding are thereby moot.

ORDER: The appeal is dismissed. The petition is summarily denied as abandoned.

¹See <http://tnbear.tn.gov/Ecommerce/FilingDetail.aspx?CN=080073054060147098231056027037131125037013041083> (last accessed January 31, 2012).