



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **DEC 02 2013** OFFICE: VERMONT SERVICE CENTER FILE: [Redacted]

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:

[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center ("the director"), 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.

On the Form I-129, Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a "[p]rovider of IT Services." The petitioner claims to be a company established in 1996 under the laws of the State of Delaware. In order to employ the beneficiary in what it designates as a "SAP PS Consultant," the petitioner seeks to classify him 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 petitioner stated in the petition that it is located in Houston, Texas, and that the beneficiary would be employed in its Dallas, Texas office, as well as in St. Charles, Missouri, at a client site. The director denied the petition on April 19, 2010, and the petitioner subsequently filed a timely appeal of that decision. On September 30, 2013, the AAO sent a Notice of Derogatory Information (NDI) to the petitioner notifying it that the AAO was unable to determine that the petitioner is "in good standing" and is authorized to do business in the State of Texas. According to the Texas Office of the Comptroller, the petitioner's "Franchise Tax Ended" and accordingly it no longer has the "Right to Transact Business in Texas." Therefore, the AAO requested that the petitioner provide evidence that it is currently in good standing in Texas. The petitioner was afforded 30 days, plus three days for service by mail, to respond to the NDI.

The petitioner did not respond within the 33-day period allowed in the NDI, or any time since then. If a petitioner fails to respond to a NDI by the required date, the petition may be summarily denied as abandoned, denied based on the record, or denied for both reasons. *See* 8 C.F.R. § 103.2(b)(13)(i). As further provided in 8 C.F.R. § 103.2(b)(14), the failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition.

Because the petitioner failed to respond to the NDI, 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 and denied due to the failure to submit requested evidence that precludes a material line of inquiry.