



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: JUN 21 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)

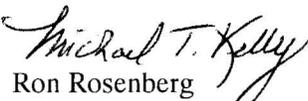
ON BEHALF OF PETITIONER:

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

*for*   
Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The service center director denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, and the petition will be denied, for abandonment, as the petitioner did not respond to a request for evidence (RFE).

On the Form I-129 visa petition, the petitioner describes itself as a five-employee insurance company established in 1995. In order to employ the beneficiary in what it designates as a human resources director position, the petitioner seeks to classify her 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 denied the petition, concluding that the petitioner failed to demonstrate that the beneficiary qualifies to perform the duties of a specialty occupation.

The petitioner filed the instant appeal on September 7, 2012. While conducting a preliminary review of the record of proceeding, the AAO discovered that the petitioner has not maintained good standing with the Florida Department of State, Division of Corporations. The AAO issued a request for additional evidence (RFE) with regard to this issue on April 30, 2013, and afforded the petitioner a period of thirty days during which to respond. The AAO has received no response.

A petition may be summarily denied as abandoned, denied based on the record, or denied for both reasons if a petitioner 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 could result in summary denial of the petition as abandoned, and also that 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's failure to respond to the AAO precludes approval of the petition and requires that it be denied as abandoned, AAO is dismissing the appeal as moot.

**ORDER:** The appeal is dismissed.