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

(b)(6)

DATE: APR 0 3 2015 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:

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 service center director denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed. The petition will be summarily denied as abandoned.

On the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a 7-employee "Hospitality – Management, Operations, Development" firm established in In order to continue to employ the beneficiary in what it designates as a "Computer Systems Analyst" position, 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).

We issued a notice of intent to dismiss the instant appeal (NOI) on February 11, 2015. In the NOI, we noted that , who ostensibly signed the instant visa petition on behalf of the petitioner, asserted that he had not petitioned for the beneficiary or for anyone else. We also noted that the beneficiary admitted, in a monitored telephone call, that he had fraudulently placed the signature of on documents filed with U.S. Citizenship and Immigration Services. Further still, the beneficiary was convicted, pursuant to his plea, of one count of violating 18 U.S.C. § 1546(a) and 18 U.S.C. § 2, False Application in an Immigration Matter.

We observed that the evidence indicates that the instant visa petition and the visa petition it seeks to extend, were not signed by but were fraudulently executed. We informed the petitioner that we, therefore, intended to deny the instant visa petition based on 8 C.F.R. § 214.2(h)(10)(ii) and dismiss the appeal.

The petitioner failed to respond to the NOI within the 33-day period afforded to the petitioner. In the NOI, we specifically alerted the petitioner that failure to respond to the NOI may result in the petition being summarily denied as abandoned, denied based on the record, or denied for both reasons. *See* 8 C.F.R. § 103.2(b)(13)(i). Because the petitioner failed to respond to the NOI, we are 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.