



U.S. Citizenship
and Immigration
Services

(b)(6)



JUN 16 2015

DATE:

PETITION RECEIPT #: 

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:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, approved the nonimmigrant visa petition. The Director thereafter revoked approval of the petition and the petitioner filed a motion to reopen. The motion was denied by the Director and the petitioner filed an appeal with the Administrative Appeals Office. The appeal will be dismissed.

On the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a 67-employee "Software Consulting" firm established in [REDACTED]. In order to employ the beneficiary in what it designates as a "Sr. Informatica Consultant" 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).

After the approval of the visa petition, a site visit was performed at the address listed on the petition as the location where the beneficiary would work; however, the site inspector discovered that the beneficiary was no longer working at that site. Thereafter, the Director issued a Notice of Intent to Revoke (NOIR) the visa petition in which the Director notified the petitioner that she received evidence that suggested: (1) the beneficiary was no longer employed by the petitioner in the capacity specified in the visa petition; (2) the statement of facts contained in the petition was not true and correct; (3) the petitioner had not established that the duties of the proffered position require a specialty occupation and that it has sufficient work for the requested period of intended employment; (4) the petitioner violated the terms and conditions of the approved petition; and (5) the petitioner had violated H-1B requirements.

The petitioner did not respond to the NOIR, and the Director revoked the approval of the visa petition. The petitioner filed a motion to reopen which the Director dismissed. On appeal, the petitioner asserts that the Director's bases for dismissal of the motion were erroneous and the revocation should be "withdrawn, reversed and nullified."

On April 17, 2015, we issued a notice pertinent to the purported signatures of [REDACTED] on various documents in the record. We observed that there were at least two distinctly different versions of [REDACTED] ostensible signature. We requested that the petitioner provide specific evidence pertinent to that issue. A response to that notice was due on May 20, 2015. The petitioner did not respond within the time period allowed in the request, or any time since then.

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 notice, we specifically alerted the petitioner that failure to respond to the notice by the required date could result in dismissal of the appeal. 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).

As the petitioner has not responded to our notice, the appeal will be dismissed, and the petition will remain revoked due to the failure to submit requested evidence that precludes a material line of inquiry, making any remaining issues in this proceeding moot.

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NON-PRECEDENT DECISION

ORDER: The appeal is dismissed.