



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF U- LLC

DATE: MAY 4, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a computer company, seeks to temporarily employ the Beneficiary as a "system architect" under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director, Vermont Service Center, denied the petition. The Director concluded that the Petitioner had not established that the proffered position qualifies as a specialty occupation in accordance with the statutory and regulatory provisions.

The matter is now before us on appeal. We sent a notice of intent to dismiss and a request for evidence (NOID/RFE) to the Petitioner. The Petitioner was afforded 33 days to respond; however, it did not respond within the timeframe allotted.

If a petitioner does not respond to a notice by the required date, the benefit request 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). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the benefit request. 8 C.F.R. § 103.2(b)(14).

As the petitioner has not responded to our NOID/RFE, the benefit request is deniable under the regulatory provisions cited above. Accordingly, the appeal will be summarily dismissed as abandoned. In the alternative, the appeal would be dismissed due to the Petitioner's failure to submit requested evidence that precludes a material line of inquiry, making any remaining issues in this proceeding moot.

**ORDER:** The appeal is summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13)(i).

Cite as *Matter of U- LLC*, ID# 16626 (AAO May 4, 2016)