



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

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

MATTER OF V-C-, LLC

DATE: SEPT. 26, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a firm providing technology solutions, seeks to temporarily employ the Beneficiary as a "computer programmer" under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) section 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, concluding that the evidence of record did not establish that the Beneficiary would actually perform specialty-occupation-level work if the petition were approved.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that Director's decision must be reversed as not comporting with the facts established in the record of proceedings. We will dismiss the appeal.

I. LEGAL FRAMEWORK

A benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons if a petitioner does not 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). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

II. DISCUSSION

U.S. Citizenship and Immigration Services (USCIS) records indicate that, after the instant petition was filed, another employer filed a petition seeking nonimmigrant H-1B classification on behalf of the Beneficiary. USCIS records further indicate that the other petition was approved. We sent a letter to the Petitioner requesting verification of its intent to pursue this appeal, and have not received a response. Therefore, the appeal will be summarily dismissed because the Petitioner did not respond to our request within the time permitted.

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

Cite as *Matter of V-C- LLC*, ID# 96195 (AAO Sept. 26, 2016)