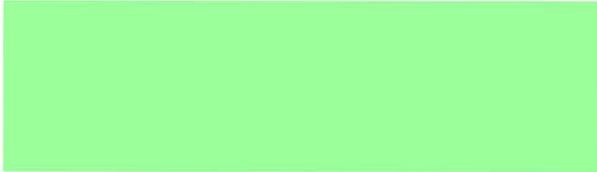


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service:
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

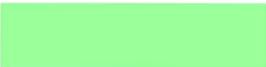


U.S. Citizenship
and Immigration
Services



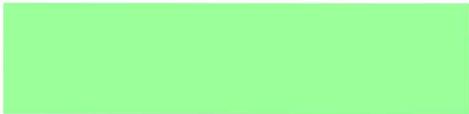
DATE: **JUN 19 2014**

OFFICE: VERMONT SERVICE CENTER

FILE: 

IN RE:

Petitioner:

Beneficiaries: 

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b)

ON BEHALF OF PETITIONER:

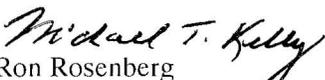
SELF-REPRESENTED

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
for 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 summarily dismissed. The petition will be denied.

On the Form I-129 visa petition, the petitioner describes itself as a two-employee commercial shrimp trawling business established in 2010. In order to employ the beneficiaries in what it designates as shrimp header positions, the petitioner seeks to classify them as temporary nonimmigrant workers pursuant to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(ii)(b).

The director denied the petition, concluding that the evidence of record fails to establish a temporary need for the services of the beneficiaries based upon a seasonal occurrence.

While conducting a preliminary review of the record of proceeding, we discovered that the petitioner has not maintained good standing with the Texas Comptroller of Public Accounts. We issued a request for additional evidence (RFE) with regard to this issue on March 31, 2014, and afforded the petitioner a period of thirty days during which to respond. Our RFE requested evidence establishing that the petitioner has the standing to file an H-2B petition as either: (1) a United States employer; (2) a United States agent; or (3) a foreign employer filing through a United States agent. *See* 8 C.F.R. § 214.2(h)(6)(iii)(B). To date, more than two months later, we have not received a 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 our RFE, we specifically notified the petitioner that failure to respond to the RFE could result in summary denial of the petition as abandoned. 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).

Because the petitioner has not responded to the RFE, we are dismissing the appeal and summarily denying the petition as abandoned, thereby rendering any remaining issues in this proceeding moot.

ORDER: The appeal is summarily dismissed as abandoned. The petition is denied.