

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: **OCT 15 2014** OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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

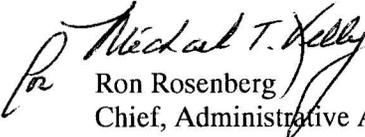
ON BEHALF OF PETITIONER:

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 or establish agency policy through non-precedent decisions. If you seek to present new facts for consideration, you may file a motion to reopen. A motion to reopen 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 for a motion to reopen. 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 (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 company engaged in the businesses of "retail sales & marketing, operation of tour & travel business, [and] export & import." In order to train the beneficiary for a period of 24 months, the petitioner seeks to classify him as a nonimmigrant trainee pursuant to section 101(a)(15)(H)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(iii).

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.

When conducting a preliminary review of the record of proceeding, we found multiple issues requiring additional evidence, information, clarification, and resolution. We issued a request for additional evidence (RFE) with regard to these issues on May 21, 2014, and afforded the petitioner a period of sixty days during which to respond. To date, more than four 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.