U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF J-A-T-J-USH- INC.

DATE: JAN. 4, 2018

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a "juice bar," seeks to temporarily employ the Beneficiary as its "Brand Builder" under the L-1B nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1B classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee with "specialized knowledge" to work temporarily in the United States.

The Director of the Vermont Service Center revoked the approval of the petition. The Petitioner then filed an appeal. In the course of reviewing the record, we determined that the record before us was incomplete. Specifically, we observed that seven of the exhibits that were referenced in the Petitioner's initial supporting statement were not actually present in the record before us. Accordingly, we issued a request for evidence (RFE) in which we listed and asked the Petitioner to provide a complete copy of each missing document. The Petitioner did not respond to the RFE.

We may dismiss an appeal if the Petitioner does not respond to our request. The regulation provides, in pertinent part:

> If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons.

8 C.F.R. § 103.2(b)(13)(i). Our RFE specifically informed the Petitioner that "we may dismiss your case if we do not receive your response to this RFE **within 87 days of the date on the cover letter**. This time period includes three days added for service by mail." (Emphasis in original). To date, more than 87 days have lapsed, and we have yet to receive a response from the Petitioner. We will dismiss the appeal as abandoned pursuant to 8 C.F.R. § 103.2(b)(13)(i). Moreover, because the Petitioner did not submit the required evidence, the Beneficiary is not eligible for classification as an L-1B worker.

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

Cite as *Matter of J-A-T-J-USH- Inc.*, ID# 537314 (AAO Jan. 4, 2018)