U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39125250

Date: SEP. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Advanced Degree)

The Petitioner, a software development and consultancy business, seeks to employ the Beneficiary as a computer systems analyst under the second-preference, immigrant classification for members of the professions with advanced degrees or their equivalents. Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This employment-based classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status. *Id.*

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that the Beneficiary possessed the required education for the offered position as described on the accompanying certification from the U.S. Department of Labor. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

On July 2, 2025, we issued a notice of intent to dismiss (NOID) the appeal. In the NOID, we stated that we intended to dismiss the appeal because the record lacked initial evidence required by 8 C.F.R. § 204.5(k)(3)(i)(B), specifically the Beneficiary's complete official academic record. We further stated that we intended to dismiss the appeal because the Petitioner had not established that the Beneficiary meets the minimum experience required for the offered position as described on the labor certification.[1]

We requested that the Petitioner respond with evidence that the Beneficiary meets the minimum experience and education requirements set forth on the labor certification. We also advised that we may dismiss the appeal if we did not receive the Petitioner's response to the NOID within 33 days of the date of the notice. As of this date, more than 45 days beyond the date of the NOID, we have not received a response.

[1] In the NOID we noted that the record included a single letter documenting the Beneficiary's work experience with the Petitioner. However, Part G.5 of the labor certification states that the Petitioner is not relying solely on experience the Beneficiary gained while working for it.

The regulation at 8 C.F.R. § 103.2(b)(13) provides that if a petitioner fails to respond to a request for evidence or a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned. As the Petitioner did not respond to the NOID by the required date, we will dismiss the appeal as abandoned.

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