



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 08770043

Date: DEC. 13, 2022

Appeal of California Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (H-1B)

The Petitioner sought to employ the Beneficiary temporarily under the H-1B nonimmigrant classification for specialty occupations. See Immigration and Nationality 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 of the California Service Center denied the Form I-129, Petition for a Nonimmigrant Worker. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Matter of Chawathe, 25 I&N Dec. 369, 375-76 (AAO 2010).

On August 25, 2022, we issued a notice of intent to dismiss and request for evidence, advising the Petitioner that we required additional information about capacity to sign the petition and its associated documents on the Petitioner's behalf. In addition, we notified the Petitioner that without this information, we could not recognize the appeal to have been properly filed by an affected party with legal standing in these proceedings.

The notice informed the Petitioner it had 33 days in which to respond to our notice. However, the Petitioner did not respond to the notice within the allotted timeframe. We may deny a benefit request as abandoned, deny it based on the record, or deny it 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). Because the Petitioner did not respond to our request within the time permitted, we will dismiss the appeal as abandoned.

ORDER: The appeal is dismissed.