U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 12089918

Date: AUG. 19, 2022

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, who states that she is a business executive in the fitness equipment industry, seeks classification as an individual of extraordinary ability under section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition concluding that the record did not establish that the Beneficiary meets the initial evidentiary requirements for this classification, either through a one-time achievement (a major, internationally recognized award), or by submitting evidence that satisfies at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3). The matter is now before us on appeal.

In conducting routine verification checks, we consulted the U.S. Department of State's Consolidated Consular Database (CCD). According to CCD records, the Petitioner applied for a B1/B2 visa at the U.S. Consulate in Beijing in July 2015. She stated on her Form DS-160, Nonimmigrant Visa Application, that her occupation at that time was "homemaker" and that her most recent period of employment had ended in 2008. This information contradicts the Petitioner's claim that she had been employed as the general manager of Chinese fitness equipment distributor [redacted] since at least 2010 and that she has a record of sustained acclaim as a business executive in the fitness equipment industry based on that employment. It also calls into question the reliability of much of the documentary evidence in the record which mentions her employment with [redacted]

Accordingly, as required by 8 C.F.R. § 103.2(b)(16)(i), we issued a notice of intent to dismiss in order to advise the Petitioner of the derogatory information and to provide her an opportunity for rebuttal. Routine service consists of mailing the notice by ordinary mail addressed to the affected party and his or her attorney or representative of record at his or her last known address. 8 C.F.R. § 103.8(a)(l)(i). Petitioners who have filed an application or petition with U.S. Citizenship and Immigration Services (USCIS) but have not yet received a decision (a "pending" case) should notify USCIS of any change of address as soon as possible after moving. We sent the NOID to the Petitioner at the address she provided on the Form I-290B, Notice of Appeal or Motion. The notice was returned as undeliverable.

The post office indicated that there was no forwarding address. A review of USCIS systems indicates that the Petitioner did not provide a new address to USCIS after filing the appeal.

A benefit request may be denied as abandoned, denied based on the record, or denied 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). Therefore, we will dismiss the appeal as abandoned based on the Petitioner's failure to respond to the properly issued notice of intent to dismiss.

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