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

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

MATTER OF SCMD- INC.

DATE: OCT. 30, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a computer solutions and IT solutions business, seeks to permanently employ the Beneficiary as a senior business analyst. *See* Section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).

The Petitioner requests classification of the Beneficiary as an advanced degree professional.¹ The petition is accompanied by a labor certification approved by the U.S. Department of Labor (DOL).

The director's decision denying the petition concluded that the Petitioner had not established that the Beneficiary possessed the minimum requirements of the labor certification by the priority date.

The record shows that the appeal is properly filed, timely and makes a specific allegation of error in law or fact. The procedural history in this case is documented by the record and incorporated into the decision. Further elaboration of the procedural history will be made only as necessary.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). We consider all pertinent evidence in the record, including new evidence properly submitted upon appeal.²

On June 19, 2015, we sent the Petitioner a request for evidence (RFE). We noted that we were unable to verify the Beneficiary's education credentials without a copy of a Higher Education Commission (HEC) sticker and requested copies of the backside of the Beneficiary's diplomas and transcripts, including the HEC sticker.³ We also requested additional information regarding the

¹ Section 203(b)(2) of the Act, 8 U.S.C. § 1153(b)(2), provides immigrant classification to members of the professions holding advanced degrees. *See also* 8 C.F.R. § 204.5(k)(1).

² The submission of additional evidence on appeal is allowed by the instructions to the Form I-290B, which are incorporated into the regulations by 8 C.F.R. § 103.2(a)(1).

³ Upon consultation with the Department of State (DOS) we have been advised that universities in Pakistan typically do not issue simultaneous Bachelors of Science (B.Sc.) and Masters of Science (M.Sc.) degrees. DOS advised that the B.Sc. is a prerequisite for admission to the M.Sc. program. *Also see*, [REDACTED] admission requirements,

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Petitioner's ability to pay the proffered wage. The RFE allowed the Petitioner 30 days in which to submit a response to the forgoing issues. We informed the Petitioner that, if it did not respond to the RFE, we may dismiss the appeal.

As of the date of this decision, the Petitioner has not responded to the RFE. Not submitting requested evidence that precludes a material line of inquiry is grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). Since the Petitioner did not respond to the RFE, the appeal will be summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13)(i).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

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

Cite as *Matter of SCMD- Inc.*, ID# 10870 (AAO Oct. 30, 2015)

requiring a passing grade in a B.Sc. for admission to a M.Sc. program (accessed October 28, 2015). This calls into question the validity of the Beneficiary's education documents which indicate that he simultaneously attended a B.Sc. and M.Sc. program at the . The Beneficiary's education documents indicate that he was awarded a M.Sc. degree four years prior to passing and being awarded a B.Sc. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). In any further filings, the Petitioner must submit evidence to verify the validity of the Beneficiary's degrees from the including the HEC sticker.