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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

**PUBLIC COPY**

ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass Ave., 3<sup>rd</sup> Floor  
Washington, D.C. 20536

[REDACTED]

JUL 07 2003

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

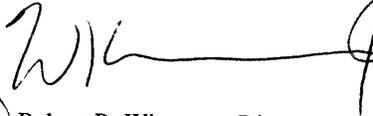
ON BEHALF OF PETITIONER:

[REDACTED]

**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, initially approved the preference visa petition. After receiving a letter requesting the petition's withdrawal, the Director, Los Angeles, California, issued a notice of automatic revocation. Subsequently, the petition was forwarded to the service center for review. The service center director issued a second notice of revocation after an overseas investigation. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a California corporation that is claimed to be a subsidiary of [REDACTED]. The petitioner claims to be engaged in the business of importing, exporting, and sales of manufactured electronics and machinery. It previously sought to employ the beneficiary as its vice president pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

The petition was initially approved by the California Service Center on January 19, 1994 and forwarded to the National Visa Center (NVC) for visa issuance overseas. In April 1994, the director asked the NVC to return the petition to the district office for further review. On September 10, 1995, the beneficiary of the approved petition filed a Form I-485, seeking adjustment of status pursuant to section 245 of the Act, 8 U.S.C. § 1255.

On September 17, 1998, the petitioner's foreign parent company submitted a letter stating that the parent company and the U.S. subsidiary were no longer interested in pursuing the petition. Specifically, the company requested that the director "terminate the petition immediately upon receipt of this letter" as the beneficiary had been assigned to a new post as president of its subsidiary in Singapore. On November 24, 1998, the Bureau denied the beneficiary's Form I-485 application to adjust his status to that of a lawful permanent resident and issued a notice automatically revoking the prior approval of the Form I-140 petition.

Pursuant to 8 C.F.R. § 103.2(b)(6), an applicant or petitioner may withdraw an application or petition at any time until the decision is issued or, in the case of an approved petition, until the person is admitted or granted adjustment or change of

status, based on the petition. The regulations specifically state that a withdrawal may not be retracted.

Furthermore, 8 C.F.R. § 205.1(a)(3)(iii)(C) states that the approval of a petition or self-petition filed under section 204 of the Act is subject to automatic revocation, as of the date of approval, upon the petitioner's submission of a written notice of withdrawal when filed with any officer of the Bureau who is authorized to grant or deny petitions.

In the instant case, the petitioner submitted its withdrawal on September 17, 1998. The notice of automatic revocation and the denial of the beneficiary's application for adjustment of status were properly issued on November 24, 1998, two months following the petitioner's withdrawal notice. Therefore, all subsequent actions taken by the director, even if done in good faith or in an attempt to respond to counsel's concerns, were rendered moot or nullified by the petitioner's prior withdrawal of the petition.

Consequently, pursuant to the regulations cited above, the approval of the petition has been automatically revoked. As there is no appeal from the automatic revocation of an immigrant visa petition, the instant appeal must be rejected.

**ORDER:** The appeal is rejected.