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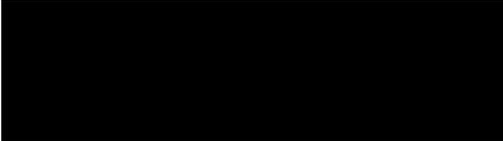


FILE: WAC 96 232 50935 Office: CALIFORNIA SERVICE CENTER Date: JUN 29 2005

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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 preference visa petition was initially approved by the Director, California Service Center. On further review of the record, the director determined that the petitioner was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with a notice of her intent to revoke the approval of the preference visa petition and her reasons therefore. The director ultimately revoked the approval of the petition. The matter then came before the Administrative Appeals Office (AAO) on appeal. Although the AAO determined that the appeal was untimely filed, it remanded the case back to the service center for further consideration as a motion to reopen. The director complied with the AAO's instructions reopening the case pursuant to service motion. The director then issued another notice of his intent to revoke approval of the petition and instructed the petitioner to submit additional evidence. On August 30, 2004, the director issued a final revocation after determining that the petitioner had failed to respond to the notice of intent to revoke. That decision has since been certified to the AAO for review. The AAO will affirm the director's decision revoking approval of the petition.

The record shows that a copy of the director's notice of intent to revoke was sent to the petitioner and its counsel at that time despite counsel's failure to submit a Form G-28. The notice specifically requested that counsel submit a Form G-28 establishing his representation of the matter at hand. However, there is no evidence that counsel complied with the request. Nor does the record show that the petitioner complied with the director's request for evidence.

The petitioner obtained new counsel, who submitted a Form G-28 along with a brief addressing the issues discussed in the director's latest notice of intent to revoke the approval of the petition. However, in general, the director's decision to revoke the approval of a petition will be affirmed, notwithstanding the submission of evidence on appeal, where a petitioner fails to offer a timely explanation or rebuttal to a properly issued notice of intent to revoke. *See Matter of Arias*, 19 I&N Dec. 568, 569 (BIA 1988). Therefore, while counsel in his brief addresses the merits of the notice of intent to revoke, no explanation has been offered for the petitioner's failure to address these issues in a timely response to the director's notice.

Accordingly, the director's decision revoking the approval of the petition based on the petitioner's failure to respond to the notice of intent to revoke will be upheld.

**ORDER:** The revocation of the approval of the petition is affirmed.