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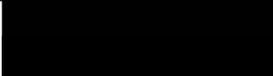
U.S. Citizenship
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FILE:



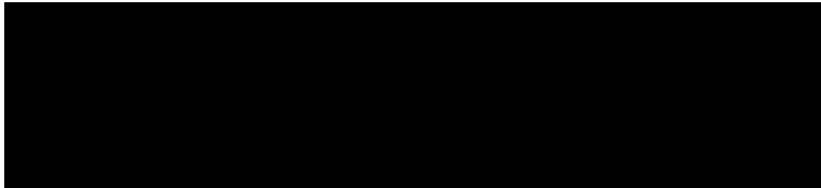
EAC 03 165 50641

Office: VERMONT SERVICE CENTER

Date: DEC 29 2006

IN RE:

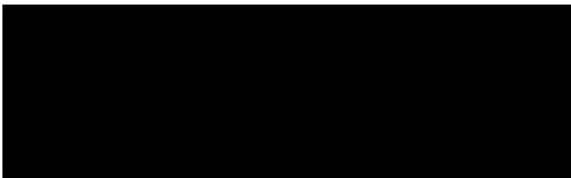
Petitioner:



Beneficiary:

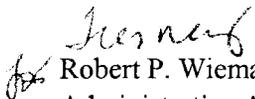
PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b) (3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b) (3)

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, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further investigation.

The petitioner is a Portuguese language newspaper. It seeks to employ the beneficiary permanently in the United States as a newspaper reporter. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor (DOL), accompanied the petition.

Upon examination of the record, we note that counsel for the petitioner was issued an approval notice for this case dated March 15, 2004. There is no evidence that this approval notice was ever rescinded or revoked consistent with section 205 of the Immigration and Nationality Act, 8 U.S.C. § 1155. The regulation at 8 C.F.R. § 204.5, also provides in pertinent part:

- (b) *Notice of intent.* Revocation of the approval of a petition of [or] self-petition under paragraph (a) of this section will be made only on notice to the petitioner or self-petitioner. The petitioner or self-petitioner must be given the opportunity to offer evidence in support of the petition or self-petition and his opposition to the grounds alleged for revocation of the approval.

The only indication that reopening this approval action was considered is a notice, dated March 17, 2005, that was returned to the director because it contained no street address. The director failed to follow the procedures consistent with proper revocation of an approved petition.

Based on the foregoing, further examination by this office of the issues raised by counsel on appeal is premature. The director's decision of December 13, 2004 is withdrawn. The March 15, 2004 approval of the petition is reinstated pending: further investigation by the director and, if warranted, the issuance of a notice of intent to revoke the approval of the petition by the director. Should the director determine subsequent to issuing a notice of intent to revoke that revocation of the approved petition is warranted, the matter should be certified to this office for review.

Order: The director's decision of December 13, 2004 is withdrawn. The case will be returned to the director for further investigation and review.