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File: [REDACTED]
EAC-02-196-51688

Office: VERMONT SERVICE CENTER

Date: SEP 20 2007

In re: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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:

[REDACTED]

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 Director, Vermont Service Center (“director”), approved the immigrant visa petition. The director subsequently issued a Notice of Intent to Revoke (“NOIR”) on April 26, 2006 to which the petitioner did not respond. The director then revoked the approval on June 1, 2006. The petitioner appealed to the Administrative Appeals Office (“AAO”). The appeal will be rejected as untimely filed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker. An attorney convicted of multiple counts of fraud filed the initial labor certification. The director noted in the NOIR that “based on the widespread scope of the malfeasance perpetrated by [REDACTED] USCIS has determined that it should scrutinize all visa petitions for immigrant workers that were filed with USCIS if [REDACTED] or his firm, appear as attorney of record.” The petitioner failed to respond,¹ and the director revoked the petition’s approval. The petitioner appealed.

In order to properly appeal a Notice of Revocation, the regulation at 8 C.F.R. § 205.2 provides that the affected party must appeal within 15 days after service of the Notice of Revocation. If the decision was mailed, the appeal must be filed within 18 days. *See* 8 C.F.R. § 103.5a(b).

The director issued the Notice of Revocation on June 1, 2006. The petitioner filed its appeal on June 30, 2006, or 29 days after the Notice of Revocation was issued.

As stated in 8 C.F.R. § 103.3(a)(2)(B), an appeal that does not meet applicable requirements shall be dismissed. As the appeal was untimely filed, the appeal must be rejected.

ORDER: The appeal is rejected as untimely filed.

¹ On Form I-290B, counsel asserts that the petitioner did not receive the Notice of Intent to Revoke. Counsel does not assert that it was mailed to the wrong address, or that the petitioner changed its address. We note that the NOIR was addressed to the petitioner’s address of record.