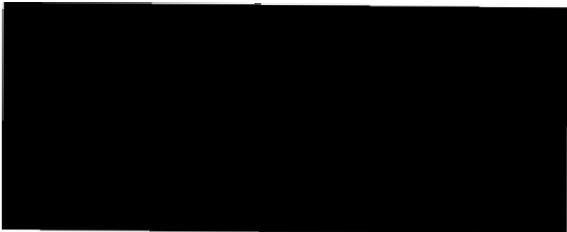




U.S. Citizenship  
and Immigration  
Services

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



*B6*

File: [REDACTED]  
SRC-03-089-50593

Office: VERMONT SERVICE CENTER

Date: SEP 20 2007

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 Director, Texas Service Center, approved the immigrant visa petition. The Director, Vermont Service Center (“director”) subsequently issued a Notice of Intent to Revoke (“NOIR”) on December 13, 2005 to which the petitioner did not respond. The director then revoked the approval on April 24, 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] 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,<sup>1</sup> 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 April 24, 2006. The petitioner filed its appeal on May 25, 2006, or 31 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.

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<sup>1</sup> Counsel asserts that the petitioner did not receive the Notice of Intent to Revoke or the Notice of Revocation. The petitioner does provide that its address has changed, but did not provide the date of the change, or any evidence of the change from the prior to the current address. We note that the NOIR was addressed to the petitioner’s address of record.