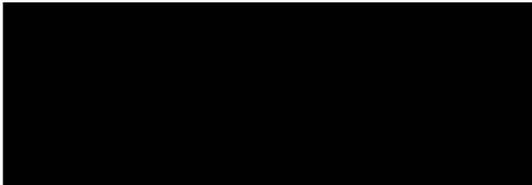




U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

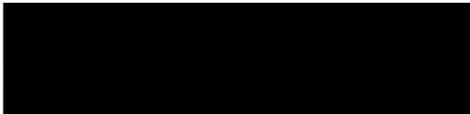


D2

FILE: EAC 07 249 52117 Office: VERMONT SERVICE CENTER

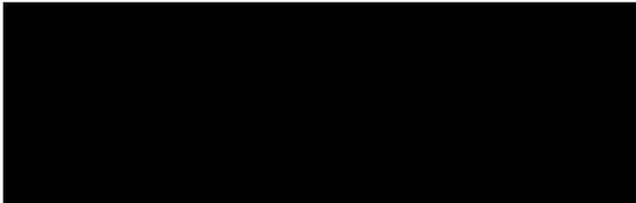
Date: DEC 19 2007

IN RE: Petitioner:
Beneficiaries:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b)

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.

Michael T. Kelly
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: On October 1, 2007, a decision by the Director, Vermont Service Center (VSC) recommending approval of the H-2B petition was certified to the Administrative Appeals Office (AAO) for review, as required by 8 C.F.R. § 214.2(h)(9)(iii)(B)(2)(i).

On October 12, 2007, the AAO withdrew the director's decision and remanded the petition to the director for further action and consideration. On November 29, 2007 the director again certified the matter to the AAO for review.

On October 18, 2007, the VSC issued a request for evidence in accordance with the AAO's order of October 12, 2007. The petitioner was given until November 20, 2007 to respond to the request for evidence. No additional evidence was submitted in response to the request for evidence. Instead, in a letter dated November 20, 2007, that was faxed to the VSC on November 21, 2007, counsel stated that the petitioner had decided to withdraw the instant petition, without prejudice to re-filing at a future date should the need arise. Due to the withdrawal of the instant petition by the petitioner, the director's subsequent decision, certified to the AAO on November 29, 2007, will be withdrawn.

ORDER: The director's decision dated November 29, 2007 is withdrawn, and the nonimmigrant visa petition is denied based upon its withdrawal by the petitioner.