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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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F<sub>1</sub>



FILE:



OFFICE: SAN DIEGO, CA

DATE:

**OCT 28 2008**

(Related: )

IN RE:

PETITIONER:



BENEFICIARY:

PETITION:

Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101(b)(1)(F)  
of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(1)(F)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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 District Director, San Diego, California, issued a Notice of Intent to Revoke Approval of Orphan Petition (Form I-600 Petition.) The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the district director approved the Form I-600 on September 12, 2006. Based on adverse information obtained during an overseas consular investigation, the district director issued a Notice of Intent to Revoke Approval of Orphan Petition (NOIR) on June 24, 2008. The petitioner responded to the NOIR by filing an appeal with the AAO on July 18, 2008. The district director forwarded the petitioner's appeal to the AAO on July 29, 2008. A review of the record reflects, however, that a final revocation decision has not been issued in the present matter, and that the Form I-600 has not been revoked.<sup>1</sup>

The regulation provides in pertinent part at 8 C.F.R. §205.2, that:

(a) *General.* Any Service officer authorized to approve a petition under section 204 of the Act may revoke the approval of that petition upon notice to the petitioner on any ground other than those specified in 205.1 when the necessity for the revocation comes to the attention of this Service.

(b) *Notice of intent.* Revocation of the approval of a petition 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 in opposition to the grounds alleged for revocation of the approval.

(c) *Notification of revocation.* **If, upon reconsideration, the approval previously granted is revoked, the director shall provide the petitioner or the self-petitioner with a written notification of the decision that explains the specific reasons for the revocation.** The director shall notify the consular officer having jurisdiction over the visa application, if applicable, of the revocation of an approval.

(d) *Appeals.* **The petitioner or self-petitioner may appeal the decision to revoke the approval within 15 days after the service of notice of the revocation.** The appeal must be filed as provided in part 3 of this chapter, unless the Associate Commissioner for Examinations exercises appellate jurisdiction over the revocation under part 103 of this chapter. Appeals filed with the Associate Commissioner for Examinations must meet the requirements of part 103 of this chapter (Emphasis added.)

In the present matter, the district director has not yet issued a final decision revoking the Form I-600 approval. Accordingly, there is no final decision for the petitioner to appeal to the AAO. The appeal must therefore be rejected as improperly filed.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The AAO notes that NOIR's were also issued related to petitions for the beneficiary's two siblings [REDACTED] and [REDACTED]. The Form I-290B indicated all three A numbers, but only a single fee was submitted, therefore a single decision will be issued.