



U.S. Citizenship
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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: SEP 30 2005
SRC 03 039 55848

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

On appeal, counsel asserts that the director erred in denying the petition because the petitioner had already requested to withdraw it. The petitioner submits a copy of the withdrawal dated January 5, 2004 and the denial dated February 2, 2004. A review of the record of proceeding, however, reveals that the only copy of the withdrawal in the record other than the copy submitted on appeal was received by the director on March 9, 2004 in an envelope postmarked March 5, 2004, three days prior to the postmark on the appeal envelope and one month after the director issued the denial. Thus, we cannot conclude that the director erred. Nevertheless, the petitioner has now requested that the petition be withdrawn, and that request will be honored.

ORDER: The appeal is dismissed based on its withdrawal by the petitioner.