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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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FILE: [REDACTED]
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Office: NEBRASKA SERVICE CENTER Date NOV 04 2009

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:



INSTRUCTIONS

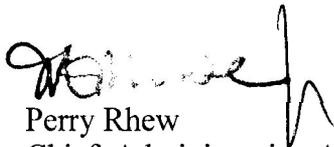
This is the decision of the Administrative Appeals Office (AAO) in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

DISCUSSION: The employment-based preference visa petition was initially approved by the Director, Nebraska Service Center. The Interim District Director of the Chicago, Illinois district office served the petitioner with notice of intent to revoke the approval of the petition (NOIR). In a Notice of Revocation (NOR), the District Director of the Chicago, Illinois district office ultimately revoked the approval of the Immigrant Petition for Alien Worker (Form I-140). The matter was appealed to the Administrative Appeals Office (AAO).¹ By notification dated August 5, 2009, the petitioner, through counsel,

¹ The petitioner improperly filed the appeal on Form EOIR-29. The correct form for filing this appeal is Form I-290B. However, as an appeal was filed, the AAO will consider the matter as an appeal. We note that the petition should have been revoked by

indicated that the beneficiary died on June 10, 2009, stated that the appeal was moot, and requested that the appeal be dismissed.² The withdrawal may not be retracted. 8 C.F.R. § 103.2(b)(6).

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



Perry Rhew
Chief, Administrative Appeals Office

the Nebraska Service Center and, therefore, if the petition had not been withdrawn, this matter would otherwise have been remanded to the Nebraska Service Center for further action. *See* Memo. from Paul W. Virtue, Executive Associate Commissioner (Acting), Office of Programs, U.S. Immigration & Naturalization Service, to Regional Directors, *et al.*, *Revocation of Employment-Based Petitions (I-140s)* (February 27, 1997), indicating that a petition which is believed by a field office to have been incorrectly approved is to be returned to the service center that approved the petition along with a memorandum of explanation. The service center will then either initiate revocation proceedings or reaffirm the petition and return it to the field office along with a memorandum of explanation for the reaffirmation.

² We note that the petitioner was involuntarily dissolved on January 9, 2009, in the State of Illinois. *See* <http://www.ilsos.gov/corporatellc/CorporateLlcController> (accessed October 19, 2009). The regulation at 8 C.F.R. § 205.1(a)(3)(iii) provides for automatic revocation of petitions approved under section 203(b) of the Act upon termination of the employer's business in an employment-based preference case.