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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
and Immigration
Services**

B6

FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: **JAN 12 2010**
SRC 08 028 53407

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

PETITION: Immigrant Petition for Alien Worker as an Other, Unskilled Worker pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

[REDACTED]

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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the director, Texas Service Center. The matter is now before the AAO on appeal. On October 30, 2009, the AAO issued a notice of derogatory information (NDI), stating that, according to the State of New Jersey Department of Treasury, the petitioner has been dissolved. On November 27, 2009, counsel informed the AAO that the petitioner's "business has been sold and the new owner does not wish to continue sponsoring the beneficiary."

The regulation at 8 C.F.R. § 103.2(b)(6) states that an application or petition may not be withdrawn once a decision is issued by U.S. Citizenship and Immigration Services. Notwithstanding this provision, even if the grounds of ineligibility in this matter were to be overcome on appeal, the termination of the employer's business renders the petition subject to automatic revocation without prior notice. 8 C.F.R. § 205.1(a)(3)(iii)(D).

Furthermore, as counsel's November 27, 2009 letter may reasonably be considered a request to withdraw the petition, this request also renders the petition subject to automatic revocation without prior notice for this reason even if the appeal were sustained. *See* 8 C.F.R. § 205.1(a)(3)(iii)(C).

Therefore, the issues in this proceeding are now moot, and the appeal will be dismissed.

ORDER: The appeal is dismissed as moot.