

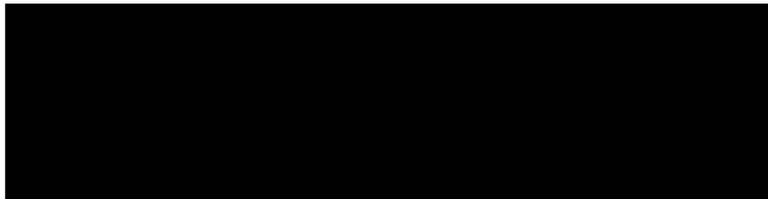
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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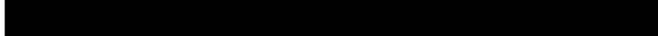
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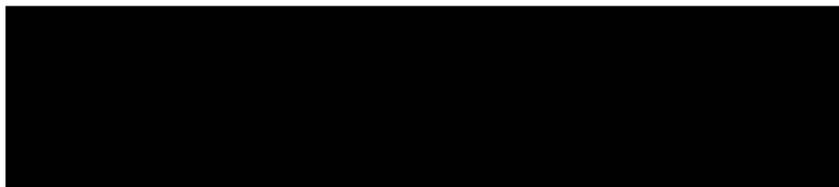
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FILE: LIN 06 260 53448 Office: NEBRASKA SERVICE CENTER Date: **JAN 21 2010**

IN RE: Petitioner: 
Beneficiary: 

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 immigrant visa petition was denied by the director, Nebraska Service Center. The matter is now before the AAO on appeal. On December 24, 2009, the petitioner, through counsel, requested that the petition be withdrawn. The regulation at 8 C.F.R. § 103.2(b)(6), however, indicates that an application or petition may not be withdrawn once a decision is issued by U.S. Citizenship and Immigration Services.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, this request to withdraw the petition now renders it subject to automatic revocation without prior notice. *See* 8 C.F.R. § 205.1(a)(3)(iii)(C). Therefore, as the request to withdraw the original petition was received before the issuance of the AAO's decision in this matter, the issues in this proceeding are now moot, and the appeal will be dismissed on this basis.

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ORDER: The appeal is dismissed as moot.

A handwritten signature in black ink, appearing to read "Perry Rhew". The signature is written in a cursive style with a prominent vertical stroke at the end.

Perry Rhew
Chief, Administrative Appeals Office