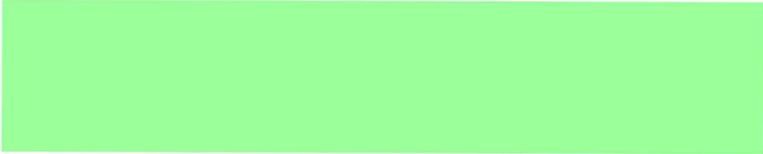


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



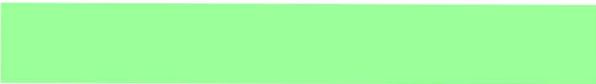
U.S. Citizenship
and Immigration
Services



Date: **MAY 28 2013**

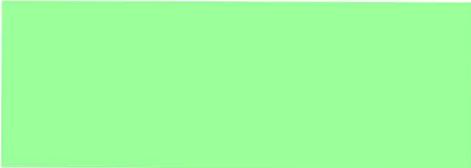
Office: TEXAS SERVICE CENTER

FILE: 

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 BENEFICIARY:



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.

Thank you,

A handwritten signature in black ink, appearing to be "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was initially denied by the Director, Texas Service Center (director) on February 2, 2009. The petitioner filed an appeal on February 18, 2009. The director treated the appeal as a motion to reopen or reconsider in order to take favorable action. The director approved the petition on May 26, 2009. On April 8, 2010 the director denied the petition. The petitioner appealed this decision and the case is now before the Administrative Appeals Office (AAO). The appeal will be sustained and the approval of the petition will be reinstated.

The director's April 8, 2010 decision states that after the petition was approved, the "action was cancelled." The director states that because the approval was cancelled, he could re-evaluate the case. The director subsequently denied the petition. The director may not "cancel" the approval of a petition. Once a petition is approved, the director may revoke the petition's approval for good and sufficient cause, according to the regulations at 8 C.F.R. § 205.2. The director's decision to cancel the petition's approval and deny the instant case is procedurally erroneous and is therefore withdrawn. Accordingly, the approval of the petition will be reinstated.

ORDER: The appeal is sustained. The approval of the petition is reinstated.