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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**

[REDACTED]

C1

DATE: **FEB 01 2012** OFFICE: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

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

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:
[REDACTED]

INSTRUCTIONS:
Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, initially approved the employment-based immigrant visa petition on April 28, 2004. Upon further review, the Director, California Service Center, determined that the petition had been approved in error. The director properly served the petitioner with a Notice of Intent to Revoke (NOIR) on August 27, 2009 and subsequently revoked the approval of the petition on March 16, 2010. The petitioner appealed the revocation on March 31, 2010 to the Administrative Appeals Office (AAO). The AAO will withdraw the director's March 16, 2010 decision and remand the petition to the California Service Center for further consideration and action.

The Director, Nebraska Service Center, initially approved the petition on April 28, 2004. The revocation at issue in the instant matter is based upon regulations that became effective on November 26, 2008. Accordingly, the Director, California Service Center, must issue a new notice and decision based upon the regulations in effect at the time of the approval of the petition.

As always in these proceedings, the burden of proof rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The matter is remanded to the director, California Service Center, for the issuance of a new notice and decision. If the new decision is adverse to the petitioner, it shall be certified to the AAO for review.