

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



D
1

FILE: EAC 01 252 52993 Office: VERMONT SERVICE CENTER Date: JUL 22 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was approved by the service center director. Based upon information obtained from the beneficiary during his visa issuance process at the U.S. consulate, the director determined that it is unclear whether a bona fide job offer exists. Accordingly, the director properly served the petitioner with notice of his intent to revoke approval of the visa petition and his reasons therefore, and ultimately revoked the approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn and the matter will be remanded to him for further consideration.

The petitioner is a custom wood products business that seeks to employ the beneficiary as a web designer. The petitioner endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to § 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

On appeal, the petitioner provides copies of a certified mail receipt and a return receipt as evidence that he responded to the director's notice of intent to revoke.

The nonimmigrant visa petition was approved by the director on July 22, 2002. Based upon information obtained from the beneficiary by the consular officer, the director sent the petitioner a notice of intent to revoke on July 15, 2003. The record reflects that the petitioner sent a timely response that was received by the director on August 13, 2003. The approval of the petition was revoked on December 9, 2003, because the "record does not include a response to this Bureau's notice." The decision of the director will be withdrawn and the petition remanded for further consideration.

In view of the foregoing, this case will be remanded for the director to consider the petitioner's response to the notice of intent to revoke in accordance with 8 C.F.R. § 214.2(l)(9)(iii)(A) and (B). 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 director's decision of December 9, 2003, is withdrawn. The petition is remanded to the director for entry of a new decision in accordance with the foregoing.