



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: NOV 04 2013

OFFICE: VERMONT SERVICE CENTER

FILE: [REDACTED]

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 IN THE FORM I-129 PROCEEDING:

**INSTRUCTIONS:** This is the decision in your case. Please note that it is a non-precedent decision. The Administrative Appeals Office (AAO) does not announce new constructions of law nor establish agency policy through non-precedent decisions.

**DISCUSSION:** The service center director denied the nonimmigrant visa petition, and the matter is now before the AAO on appeal. On October 26, 2013, the AAO received a letter from the petitioner's counsel requesting that the petition be withdrawn. The regulation at 8 C.F.R. § 103.2(b)(6), however, precludes this, because USCIS has already issued a decision on the petition. 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 immediate and automatic revocation without prior notice. See 8 C.F.R. § 214.2(h)(11)(ii). 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.

**ORDER:** The appeal is dismissed as moot.

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office