



U.S. Citizenship  
and Immigration  
Services



DATE: **MAY 01 2014** OFFICE: CALIFORNIA SERVICE CENTER FILE:

IN RE: Petitioner:   
Beneficiary:

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:

**INSTRUCTIONS:** Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. All documents related to this matter have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

**DISCUSSION:** The service center director denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO is in receipt of a letter from the petitioner, dated March 17, 2014, requesting that the pending petition be withdrawn.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,

*for Michael T. Kelly*  
Ron Rosenberg  
Chief, Administrative Appeals Office