



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

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Falls Church, Virginia 22041

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DHS/CIS- California Serv. Ctr./CSC  
24000 Avila Rd., Div. VII/CRU  
Laguna Niguel, CA 92677

Name: [REDACTED]

Date of this notice: 6/3/2013

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Hoffman, Sharon

cc: asd  
User team: Docket

rec'd  
June 4, 2013  
J.F.

Falls Church, Virginia 22041

File: [REDACTED] - California Service Center

Date: JUN - 3 2013

In re: [REDACTED], Beneficiary of a visa petition filed by  
[REDACTED], Petitioner

IN VISA PETITION REVOCATION PROCEEDINGS

APPEAL

ON BEHALF OF PETITIONER: James Feroli, Esquire

ON BEHALF OF DHS: Michael Ammerman  
Associate Counsel

APPLICATION: Petition to classify status of alien relative for issuance of immigrant visa

The petitioner appeals from the June 19, 2012, decision of the California Service Center Director for the Department of Homeland Security, Citizenship and Immigration Services ("DHS"), that revoked the approval of the petition filed on behalf of the beneficiary as the spouse of a United States citizen. This Board has considered the petitioner's brief on appeal filed directly with this Board pursuant to this Board's authority under 8 C.F.R. § 1003.3(c)(2). The appeal will be dismissed.

The Board reviews all questions arising in appeals from decision issued by DHS officers de novo. 8 C.F.R. § 1003.1(d)(3)(iii). As an initial matter, this Board agrees with the petitioner that the decision of the Director inaccurately sets forth several facts established by the evidence of record, particularly relating to the timing and number of the petitioner's trips to Ethiopia documented by the arrival stamps in the petitioner's passport. The petitioner's passport documents separate trips to Ethiopia by the petitioner in 2007, 2008, and 2011, consistent with the petitioner's factual claims. The inaccuracy in the decision relating to the petitioner's trips to Ethiopia in 2007 and 2008 also resulted in the inaccurate attribution of the petitioner's statement that she only saw the beneficiary three or four times during the two months she was in Ethiopia to a different trip than was referenced by the petitioner.

Inasmuch as the Director materially relied upon an inaccurate assessment of the facts established by the petitioner's evidence, this Board finds it appropriate to remand the instant matter to the Director for further consideration of the petitioner's evidence and entry of a new decision regarding whether the petitioner has met her burden of proof. Accordingly, the following order will be entered.

ORDER: The record is remanded for further proceedings consistent with this decision.

  
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FOR THE BOARD