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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: MAR 03 2004

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

[redacted]

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 Director, California Service Center, initially approved the preference visa petition. On the basis of new information received and on further review of the record, the director determined that the beneficiary was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of intent to revoke the approval of the preference visa petition, and his reasons therefore, and ultimately revoked the approval of the petition. The Administrative Appeals Office (AAO) rejected the appeal. The matter is now before the AAO on a motion to reopen. The motion will be granted. The appeal will be dismissed.

The petitioner is a manufacturer of men and women's sporting wear. It seeks to employ the beneficiary permanently in the United States as a tailor. As required by statute, the petition was accompanied by certification from the Department of Labor.

The petition was approved on July 23, 1986. The director stated that an investigation was conducted, and after consideration, the approval of the petition was revoked on October 14, 2001. The revocation was based on the finding that the beneficiary did not have the required two years experience as a tailor as required on the labor certification.

The report from the American Embassy in Seoul, Korea, found that the beneficiary only worked as a tailor assistant for about seven months in 1986, and stated in pertinent part that:

> The owner was requested to present evidence regarding verification of the beneficiary's employment. However, he could not present any evidence. He indicated that he does not keep the records because his tailor shop is small and he only verbally contracted with her. The owner was also questioned about the beneficiary's certificate of employment, which was provided by him on March 7, 1995. He stated that during 1995, he was approached by one of the beneficiary's relatives who asked him to sign a preprinted certificate of employment. The owner claims that since he did not read it, he signed it not knowing what it said.

On appeal, counsel argues that the appeal was timely filed because it was filed within 18 days upon receipt of the notice of revocation. Counsel argues that "[t]he beneficiary has produced two sworn statements translated and notarized verifying the employment with John's Tailor Shop. These independent statements were made by the same business operator in neighborhood."

As stated by the director, however, the employment with John Tailor Shop cannot be considered valid and verifiable employment as the record shows that no physical records exist such as tax returns and employment records either with the tailor shop or the beneficiary to show that the beneficiary actually worked at the business from September 1983 to April 3, 1986." The director further found that the owner who verified employment for the beneficiary presented conflicting testimony.

Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Upon review, the petitioner has been unable to present sufficient evidence to overcome the findings of the director in his decision to revoke the approval of the petition. The petitioner has not established eligibility pursuant to section 203(b)(3)(A)(i) of the Act and the petition may not be approved.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.