

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Western Service Center  
P.O. Box 30111  
Laguna Niguel, CA

Ngoc Yen Thi Nguyen  
421 Leavenworth Street #54  
San Fran

DATE: JUN

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FILE:

MS - Kay

IN RE:

533-5300

Dear Sir

This is in reference to your letter of May 22, 1986, to the  
Relating to the application for a visa filed by the  
Immigration and Naturalization Service on May 20, 1986,  
filed in behalf of Ngoc An Hoang and \_\_\_\_\_

for Alien  
2) of the  
ition was  
ice on May

The American Embassy in Bangkok returned the approved I-130 to the Service. The Service has received information that the beneficiary may be ineligible for the benefit sought. An investigation revealed that the beneficiary was previously married to Lam Thi Hien. The evidence of record does not establish that this marriage has ever been terminated. Due to the apparent preexisting marital status of the beneficiary, the marriage with the petitioner is not valid for immigration purposes. The beneficiary is therefore ineligible for the requested benefit.

In Matter of Bardouille, 18 I&N 114 (BIA 1981), the Board held that in order to be eligible for relative preference classification under section 203(a) of the Immigration and Nationality Act, the alien beneficiary must be fully qualified at the time the visa petition is filed.

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Immigration and Naturalization Service  
Western Service Center  
P.O. Box 30111  
Laguna Niguel, CA 92607-0111

Ngoc Yen Thi Nauven

San Fran

DATE: JULY 26 1988

INTENT TO REVOKE

FILE: WAC9315251466 (OPS)

IN RE: Form I-130 filed in behalf of Ngoc An Hoang

Dear Petitioner:

This notice is in reference to the Form I-130, Petition for Alien Relative, which was filed pursuant to section 203(a)(2) of the Immigration and Nationality Act, as amended. The petition was filed in behalf of Ngoc An Hoang and approved by the Service on May 30, 1986.

The American Embassy in Bangkok returned the approved I-130 to the Service. The Service has received information that the beneficiary may be ineligible for the benefit sought. An investigation revealed that the beneficiary was previously married to Lam Thi Hien. The evidence of record does not establish that this marriage has ever been terminated. Due to the apparent preexisting marital status of the beneficiary, the marriage with the petitioner is not valid for immigration purposes. The beneficiary is therefore ineligible for the requested benefit.

In Matter of Bardouille, 18 I&N 114 (BIA 1981), the Board held that in order to be eligible for relative preference classification under section 203(a) of the Immigration and Nationality Act, the alien beneficiary must be fully qualified at the time the visa petition is filed.

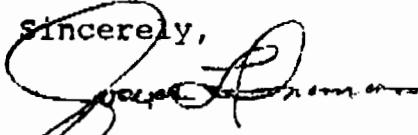
WAC9315251466 (OPS)

In Matter of Ho, 19 I&N 582 (BIA 1988), the Board held that the petitioner bears the burden in visa petition revocation proceedings of establishing that the beneficiary qualifies for the benefit sought under the immigration laws.

In accordance with Title 8, Code of Federal Regulations, Part 205.2, the Service proposes to revoke the approval of the petition. The petitioner is accorded thirty (30) days from the date of this notice to submit evidence in support of the petition and in opposition to the proposed revocation... Failure to respond to this notice within the time allotted will result in the revocation of the petition.

If a response is submitted, refer to the file number above. In addition, please include a copy of this decision with your rebuttal.

Sincerely,



Joseph L. Thomas  
Center Director

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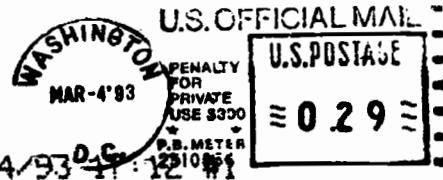
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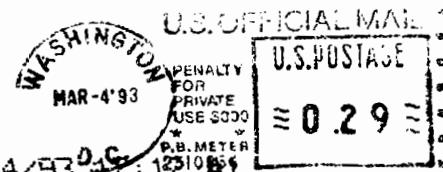
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ATTN: IV-50235 IMI-8491 KOM

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