MATTER OF CHIN

In Section 206 Proceedings

A-13744336

Decided by District Director August 31, 1964

It having been established petitioner is not a United States citizen, approval of the visa petition to accord his wife nonquota status is revoked since petitioner, following notification by the Service of intent to revoke the approval, pursuant to 8 CFR 206.3, failed to avail himself of the opportunity afforded him to offer evidence in opposition thereto.

Discussion: The petitioner under the name of Chin Tun Joe filed a visa petition on October 29, 1963 to accord Yee Mon Yue nonquota immigrant status as the wife of a United States citizen. The petition was approved by the District Director of Immigration and Naturalization, Boston, Massachusetts on December 13, 1963 and forwarded to the Secretary of State for transmittal to the American Consul in Hong Kong.

On July 1, 1964 the petitioner appeared before an officer of this Service at Boston, Massachusetts and admitted that his true name was Chin Bak Koon and that he was a citizen of China and not of the United States; that his original entry into the United States at Boston, Massachusetts on August 22, 1961 as a United States citizen was fraudulent. It has been established that the petitioner is not a United States citizen and, therefore, not entitled to accord his spouse the nonquota immigrant status given by this Service on December 13, 1963.

In accordance with the provisions of 8 CFR 206.3 a notice of intent to revoke the approval of this visa petition was forwarded to the petitioner on July 29, 1964 and he was permitted fifteen days from the date of mailing within which to submit written objections to the proposed revocation of the approval of the visa petition. The petitioner failed to avail himself of this opportunity to submit any objections.

ORDER: On the basis of the foregoing it is ordered that the approval of the visa petition be revoked.