

FOR PUBLICATION

Nelda C. Reyna, Office of Immigration Litigation, Civil Division, United States Justice Department, Washington, D.C., for the respondent.

OPINION

THOMPSON, Circuit Judge:

OVERVIEW

Se Jong Noh, a native and citizen of Korea, petitions for review of an order of the Board of Immigration Appeals ("BIA") affirming an immigration judge's ("IJ") determina-

ly." Noh was denied reentry into the United States pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I) and 8 U.S.C. § 1182(a)(7)(B)(i)(II) and placed in exclusion proceedings on January 19, 1996.

The IJ found that Noh was inadmissible under 8 U.S.C. § 1182(a)(7)(B)(i)(II) because he was not in possession of a valid nonimmigrant visa at the time of entry. The IJ concluded that she did not have authority to consider Noh's argu-

§ 306(c)(1), Pub. L. No. 104-208, 110 Stat. 3009 (Sept 30, 1996), amended by

The Secretary of State or a consular officer may revoke a visa at any time in his or her discretion. See 8 U.S.C. § 1201(i). The Secretary of State delegated this statutory discretion to the Deputy Assistant pursuant to Delegation of Authority No. 74 and Redelegation of Authority No. 74-3-A.

4 Although Noh's visa expired on May 3, 1999, his petition for review is not moot because federal regulations permit a student visa holder to stay

administration and enforcement of the Immigration and National-

We need not decide whether the Secretary's revocation decision would be unreviewable in all cases, because the Secretary offered a facially legitimate and bona fide reason for revoking Noh's visa, namely that the visa had been obtained

able. See Kleindienst v. Mandel, 408 U.S. 753, 769-70 (1972)

5722

(declining to reach the question whether the Attorney General may permissibly offer any reason or no reason at all for a

eral offered a facially legitimate and bona fide reason for refusing the alien's request for a waiver. Id. v. Reno

ied notact 'ong thebasion ofae facially legitimate and bona fidr
, 408 O Tw (O2f Bn) Tj O -13.8765.6 TD O Tc 769-70).tay tha2-152.4 -2.78 511 -0.733 511 -O TcA