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U.S. Department of Homeland Security  
20 Mass Ave., N.W., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **APR 29 2008**  
EAC 03 081 50061

IN RE: Petitioner: [REDACTED]

PETITION: Petition for Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the  
Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the immigrant visa petition. On appeal, the Administrative Appeals Office (AAO) remanded the petition for further action by the director. The matter is now before the AAO upon certification of the director's subsequent, adverse decision. The April 17, 2007 decision of the director will be withdrawn and the case will be remanded to the director for further consideration and entry of a new decision.

A review of the record reveals that at the time of the director's decision, the record contained a Form G-28, Notice of Appearance as Attorney or Representative, from [REDACTED], dated January 3, 2007. However, the director's certified decision, dated April 17, 2007 was sent to [REDACTED] the petitioner's former counsel.

Accordingly, the decision of the director must be withdrawn and the case remanded for the purpose of the reissuance of the certified decision. We note that subsequent to the director's certification decision, Mr. [REDACTED] was suspended by the Executive Office for Immigration Review (EOIR) and, therefore, is no longer permitted to represent the petitioner in these proceedings. Although we have used Mr. [REDACTED] address as the petitioner's address of record, we do not recognize Mr. [REDACTED] representation of the petitioner.<sup>1</sup> The director's new decision shall be certified to this office for review.

As always, the burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The director's decision is withdrawn; however, the petition is currently unapprovable for the reasons discussed above, and therefore the AAO may not approve the petition at this time. Because the petition is not approvable, the petition is remanded to the director for issuance of a new decision to counsel of record which is to be certified to the AAO for review.

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<sup>1</sup> In a letter dated March 25, 2008, the AAO requested that the petitioner provide a current address for future correspondence. However, no response was received.