

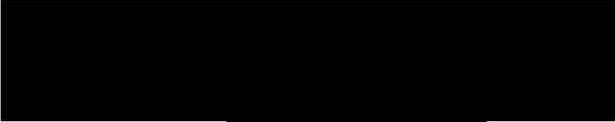
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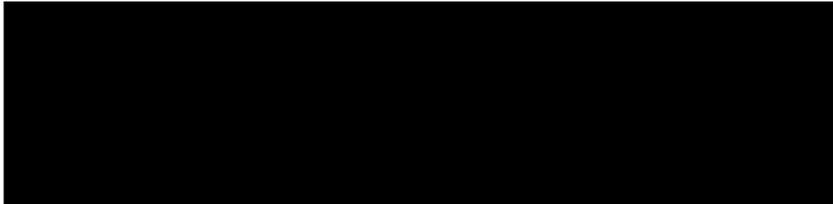
Office: VERMONT SERVICE CENTER

Date:

JAN 30 2008

IN RE:

Petitioner:



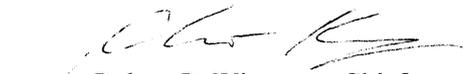
PETITION: Petition for Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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 The July 5, 2007 decision of the director will be withdrawn and the case will be remanded to the director for further consideration and entry of a new decision.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 the director's Notice of Intent to Deny (NOID) dated December 8, 2006 and subsequent certification decision dated July 5, 2007 were sent to [REDACTED], the petitioner's former counsel. [REDACTED] ceased his representation of the petitioner in May 2006. Therefore, the decision of the director must be withdrawn and the case remanded for the purpose of the issuance of a new NOID as well as a new final decision to the petitioner at his address of record. The new decision, if adverse to the petitioner, 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 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, detailed decision which, if adverse to the petitioner, is to be certified to the AAO for review.