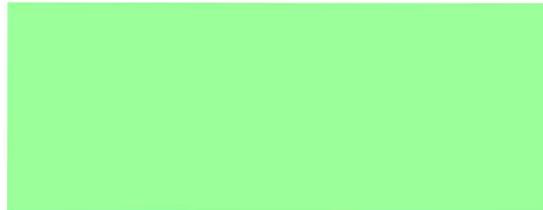


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



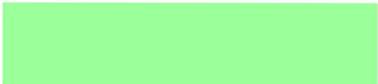
U.S. Citizenship
and Immigration
Services

(b)(6)

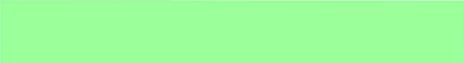


Date: **JAN 29 2014**

Office: VERMONT SERVICE CENTER



IN RE: Petitioner:



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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting Director, Vermont Service Center, (“the director”) revoked approval of the immigrant visa petition after notifying the petitioner, and certified the matter for review before the Administrative Appeals Office (AAO). The director’s decision shall be withdrawn and the matter remanded to the director for reissuance of the prior decision.

The petitioner seeks immigrant classification under section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (“the Act”), 8 U.S.C. § 1154(a)(1)(B)(ii), as an alien battered or subjected to extreme cruelty by a lawful permanent resident of the United States.

The director issued a Notice of Intent to Revoke (NOID) the approval of the petition because the petitioner failed to establish a qualifying spousal relationship, and eligibility for classification as a spouse of a lawful permanent resident. The petitioner, through new counsel, submitted a timely response, and new counsel submitted a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28). The petitioner’s response did not overcome the director’s proposed ground for revocation, and she revoked approval of the petition and certified the matter to the AAO for review on October 30, 2013. The Notice of Certification (Form I-290C) informed the petitioner that she had 30 days to submit a brief or other evidence to the AAO; however, the director served the Form I-290C on prior counsel rather than new counsel of record. As the director failed to properly serve her decision on the petitioner’s current counsel, the AAO must withdraw the director’s decision and remand the matter so that the director may reissue her prior decision to the petitioner’s current counsel of record. *See* 8 C.F.R. § 292.5(a).

ORDER: The director’s decision, dated October 30, 2013, is withdrawn and the matter remanded to the director for the sole purpose of reissuing the prior decision to the current counsel of record.