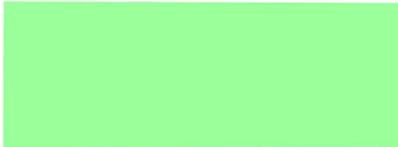


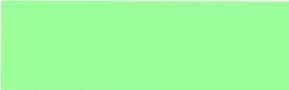


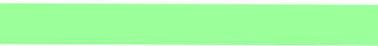
**U.S. Citizenship
and Immigration
Services**

(b)(6)



Date: **SEP 17 2014**

Office: VERMONT SERVICE CENTER File: 

IN RE: Self-Petitioner: 

PETITION: Petition for Immigrant Abused 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:

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 Vermont Service Center acting director (the director) issued a Notice of Intent to Deny (NOID) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The director's decision shall be withdrawn and the matter remanded for entry of a new decision.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by his U.S. citizen spouse. The petitioner filed his first Form I-360¹ on September 17, 2010, which was denied on December 12, 2011. The petitioner did not appeal that decision. On September 25, 2012, the petitioner filed a second Form I-360, which is currently before us. On June 25, 2013, the director issued a NOID because the petitioner did not provide any additional evidence than what was previously submitted with his prior Form I-360. The director provided the petitioner with the opportunity to present additional evidence and specifically requested evidence of the petitioner's qualifying relationship with a U.S. citizen, residence with his spouse, her battery or extreme cruelty, and his good-faith entry into the marriage. The NOID granted the petitioner until July 28, 2013, to respond. The petitioner did not timely respond to the NOID as instructed, but instead filed a Form I-290B, Notice of Appeal or Motion, with additional evidence on July 31, 2014. On September 3, 2013, the director denied the petition as abandoned pursuant to 8 C.F.R. § 103.2(b)(13) for failing to timely respond with the requested evidence.

Because the petitioner's appeal was filed before the director issued her decision, we have no jurisdiction over this matter. A full review of the record indicates that the director may have denied the petition without the opportunity to review the additional evidence the petitioner submitted. Therefore, the matter will be remanded to the director for her consideration of the petitioner's NOID response and issuance of a new decision, if necessary.²

ORDER: The September 3, 2013 decision of the Vermont Service Center is withdrawn. The petition is remanded to that service center for further action and issuance of a new decision, if necessary.

¹ The receipt number for the petitioner's first Form I-360 is [REDACTED]

² We note that the petitioner filed a third Form I-360 on August 12, 2013, receipt number [REDACTED] which remains pending before the service center.