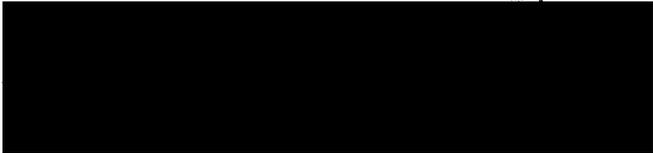




U.S. Citizenship
and Immigration
Services

B9



FILE: [REDACTED]
EAC 02 025 50214

Office: VERMONT SERVICE CENTER

Date:

IN RE: Petitioner:
Beneficiary:



AUG 17 2004

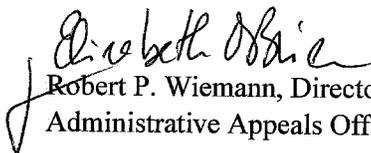
PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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, Director
Administrative Appeals Office

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Identifying data referred to
prevent clearly unwarranted
invasion of personal privacy
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DISCUSSION: The petitioner filed a Form I-360 self-petition on October 18, 2001. The Director, Vermont Service Center denied the petition on July 15, 2002, noting that the petitioner had failed to respond to a request for additional evidence. The petitioner appealed the decision to the Administrative Appeals Office (AAO). The AAO rejected the appeal as the director had denied the petition due to abandonment, but remanded the case to the director to reopen on Service motion, consider additional evidence and enter a new decision. The director again requested additional evidence from the petitioner. The petitioner did not respond to the request for additional evidence, so the acting director denied the petitioner for abandonment. The matter is now before the AAO on appeal. The appeal will be rejected.

The petitioner is a native and citizen of the Dominican Republic who is seeking classification as a special immigrant 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 the battered spouse of a United States citizen.

The regulation at 8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under 8 C.F.R. § 103.5.

As the acting director denied the petition due to abandonment, the decision was not properly appealed and must be rejected.

ORDER: The appeal is rejected.