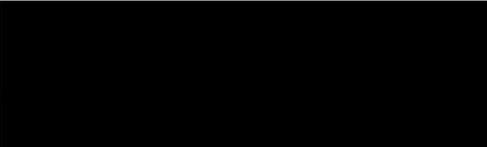




U.S. Citizenship
and Immigration
Services

B-9



FILE: [REDACTED]
EAC 02 200 53002

OFFICE: VERMONT SERVICE CENTER

DATE: **JUL 14 2004**

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

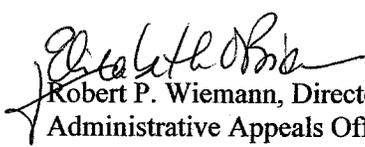
PETITION: Petition for Special Immigrant Battered Child Pursuant to Section
204(a)(1)(A)(iv) of the Immigration and Nationality Act, 8 U.S.C. §
1154(a)(1)(A)(iv)

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

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center. The petitioner appealed the director's denial to the Administrative Appeals Office (AAO). The matter is now before the AAO on appeal. The appeal will be rejected.

The petitioner is a native and citizen of Mexico who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iv), as the battered child of a United States citizen.

The director issued a request for additional evidence from the petitioner on November 4, 2002. The request for additional evidence was sent to the petitioner at the address listed on the Form I-360 application. The petitioner failed to respond within sixty days of the request; so on March 31, 2003, the director denied the petition. On appeal, the petitioner responds to the request for additional evidence.

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

ORDER: The appeal is rejected.