

(b)(6)



U.S. Citizenship
and Immigration
Services

[Redacted]

Date: DEC 01 2014

Office: VERMONT SERVICE CENTER

File: [Redacted]

IN RE: Self-Petitioner: [Redacted]

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 THE PETITIONER:

[Redacted]

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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center director (“the director”) denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The petitioner seeks immigrant classification under 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 a United States citizen.

The director denied the petition for failure to establish that the petitioner is a person of good moral character.

A review of the record, including applicable Service records, reveals that the petitioner was granted lawful permanent resident status in the United States on December 15, 2006. The record contains no evidence that the petitioner has lost her lawful permanent resident status. Lawful permanent resident status terminates upon entry of a final administrative order of removal. 8 C.F.R. § 1.2 (noting the definition of *Lawfully admitted for permanent residence*). See also *Etuk v. Slattery*, 936 F.2d 1433, 1447 (2d Cir. 1991) (citing *Matter of Gunaydin*, 18 I&N Dec. 326 (BIA 1982)).¹ Lawful permanent residency may also be lost through abandonment, rescission, or relinquishment. See *id.* at 327 n.1. However, none of those circumstances exist in this matter. Consequently, the petitioner remains a lawful permanent resident and as such, she is not eligible to file the Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant. The issues in this proceeding are, therefore, moot.

ORDER: The appeal is dismissed as moot.

¹ On the Form I-360 self-petition, the petitioner designated her current nonimmigrant status as “LPR – NTA Pending.” The record shows that a Notice to Appear was served upon the petitioner on January 11, 2011 but there is no evidence that a final administrative order of removal has been entered.