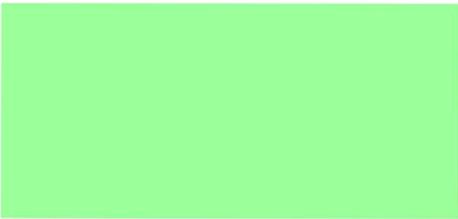




U.S. Citizenship
and Immigration
Services

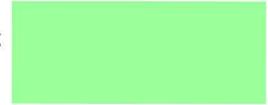
(b)(6)



Date:

NOV 03 2014

Office: VERMONT SERVICE CENTER File:



IN RE:

Self-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. 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,

Ron Rosenberg

f Chief, Administrative Appeals Office

DISCUSSION: The Acting 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)(B)(ii) of 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 denied the petition for failure to establish that the petitioner's wife subjected him to battery or extreme cruelty.

On appeal, the petitioner submits additional evidence.

Pertinent Facts and Procedural History

The petitioner was born in Mexico. On July 3, 2006, he adjusted status to that of a lawful permanent resident. He last applied for admission into the United States on July 22, 2011, but at deferred inspection the officer determined that the petitioner was inadmissible and placed him in removal proceedings. The petitioner married his second spouse, Y-A-, a lawful permanent resident, on March [REDACTED] in Los Angeles, California.¹ He filed the instant Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, on July 17, 2013. The director subsequently issued a Request for Evidence (RFE) that, among other things, Y-A- subjected the petitioner to battery or extreme cruelty. The petitioner responded with additional evidence, which the director found insufficient to establish the petitioner's eligibility on this ground. The director denied the petition and the petitioner filed a timely appeal.

We review these proceedings de novo. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

Conclusion

A review of relevant U.S. Citizenship and Immigration Services records indicates that the petitioner has been a lawful permanent resident as of July 3, 2006. Although the petitioner is in removal proceedings, an alien remains a lawful permanent resident until the entry of a final administrative order removing the alien from the United States. 8 C.F.R. § 1001(p).

Because the petitioner is already a lawful permanent resident, further pursuit of the petition is moot.

ORDER: The appeal is dismissed based on the petitioner's lawful permanent resident status.

¹ Name withheld to protect identity.