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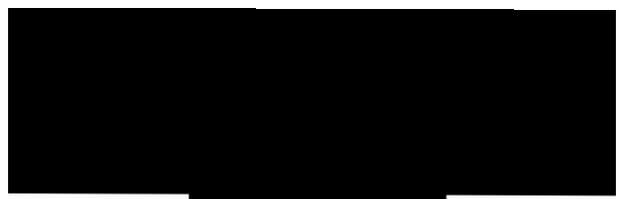
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

*By*

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FILE: [redacted] Office: VERMONT SERVICE CENTER Date: **JUL 12 2006**  
EAC 05 029 53279

IN RE: Petitioner: [redacted]

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.

*Mari Johnson*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the immigrant visa petition. An appeal was filed, but was rejected on October 14, 2005 pursuant to the regulation at 8 C.F.R. § 103.3(a)(2)(v) because the appeal was not filed by the petitioner or the petitioner's authorized representative. On October 31, 2005, the petitioner filed a Form I-290B attempting to appeal the October 14, 2005 decision rejecting the initial appeal as improperly filed. The appeal will be rejected.

The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003). While the AAO has appellate jurisdiction over Form I-360 special immigrant petitions filed under section 204(a)(1)(A)(iii) of the Act, the AAO has no jurisdiction over the petitioner's October 31, 2005 Form I-290B because no appeal lies from a decision rejecting an improperly filed appeal.

We note that the petitioner's October 31, 2005 Form I-290B indicates that she seeks to pursue her Form I-485 application to adjust status. Accordingly, the petitioner's file will be forwarded to the San Bernardino Sub-Office of the Los Angeles, California District Office, where the petitioner's Form I-485 application remains pending.

**ORDER:** The appeal is rejected.