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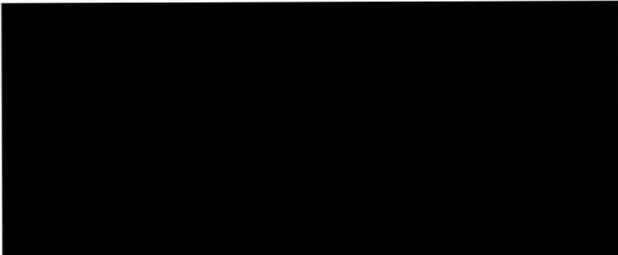
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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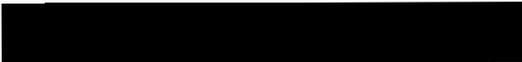
FILE:

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EAC 04 158 51682

Office: VERMONT SERVICE CENTER

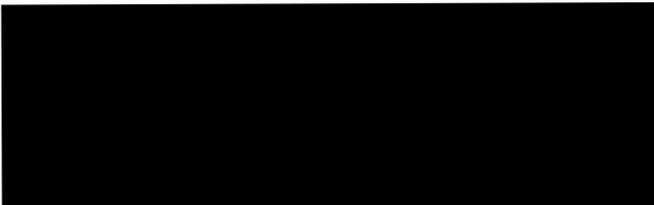
Date: JAN 22 2009

IN RE:



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)

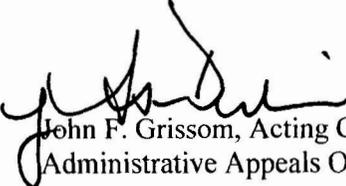
ON BEHALF OF PETITIONER:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(iii) of 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.

On August 9, 2005, the director denied the petition on the basis of his determination that the petitioner had failed to establish: (1) that he shared a residence with his wife; (2) that his wife subjected him to battery and/or extreme cruelty; and (3) that he entered into marriage with his wife in good faith.

United States Citizenship and Immigration Services records indicate that the petitioner's Form I-485, Application to Register Permanent Residence or Adjust Status, was approved on August 18, 2006. As the petitioner is now a conditional resident of the United States, further pursuit of this petition is moot.

ORDER: The appeal is dismissed on the basis of the petitioner's current status as a conditional resident of the United States.