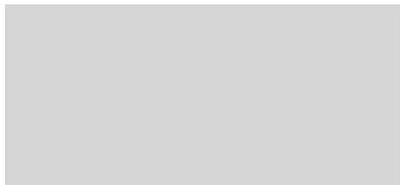




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE:

JUN 30 2015

FILE #:

PETITION RECEIPT #:

IN RE:

Petitioner:

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:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting Center Director, Vermont Service Center (the director), denied the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The petitioner seeks immigrant classification pursuant to 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, determining that the petitioner did not establish a qualifying spousal relationship with a United States citizen and the corresponding eligibility for immediate relative classification based on that relationship.

A review of the record, including applicable Service records, reveals that the petitioner was granted lawful permanent resident status in the United States on May 13, 2008. On the Form I-360 self-petition, the petitioner designated her current nonimmigrant status as “Temporary Resident,” and indicated that her status expired on May 13, 2010. Although the petitioner’s Form I-751, Petition to Remove Conditions on Residence was denied, the record contains no evidence that she 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)). The record shows that the petitioner was placed into removal proceedings on February 24, 2012. However, there is no evidence that a final administrative order of removal has been entered. 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.