



U.S. Citizenship
and Immigration
Services

(b)(6)



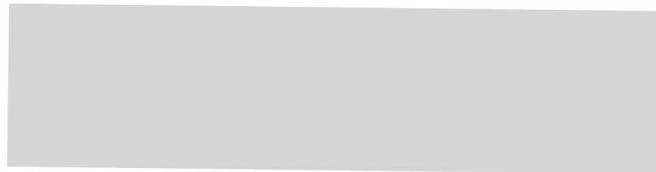
DATE: **MAY 14 2015**

FILE #: [REDACTED]
PETITION RECEIPT [REDACTED]

IN RE: 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 PETITIONER:



INSTRUCTIONS:

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 Director, Vermont Service Center, (“the director”) denied the immigrant visa 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 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 her United States citizen spouse.

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 conditional lawful permanent resident status in the United States on August 11, 2010. On March 27, 2012, he was placed into removal proceedings before an immigration court, which remain pending and have not resulted in a final administrative order of removal. The petitioner and his wife thereafter jointly filed a Form I-751, Petition to Remove Conditions on Residence. The Form I-715 was approved on October 4, 2012, removing the conditions on the petitioner’s lawful permanent resident status. The record contains no evidence that the petitioner has lost his 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 (BLA 1982)). 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 the issues in this proceeding are, therefore, moot.

ORDER: The appeal is dismissed as moot.