

**PUBLIC COPY**

**U.S. Department of Homeland Security**

20 Mass. Ave., N.W., Rm. 3000

Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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FILE:

EAC 04 198 50362

Office: VERMONT SERVICE CENTER

Date: **FEB 24 2009**

IN RE:

Petitioner:

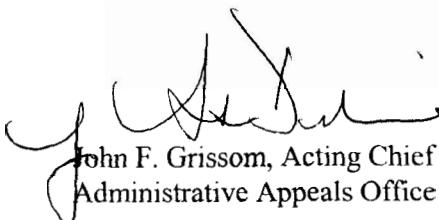
PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(B)(ii)

ON BEHALF OF PETITIONER:

**INSTRUCTIONS:**

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 Director, Vermont Service Center, denied the immigrant visa petition and the petitioner timely filed an appeal. The Administrative Appeals Office (AAO) dismissed the appeal. The matter is now before the AAO upon a motion to reopen the AAO decision. The motion will be rejected as untimely filed.

A motion to reopen a decision made by U.S. Citizenship and Immigration Services (USCIS) must be filed within 30 days of the decision. 8 C.F.R. § 103.5(a)(1)(i). If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b). In this case, the AAO dismissed the petitioner's appeal on May 12, 2006. Counsel filed the motion on July 30, 2007, over two months after the AAO's decision was issued. Because the petitioner's motion was untimely filed, it must be rejected pursuant to 8 C.F.R. § 103.5(a)(1)(i).

**ORDER:** The motion is rejected.