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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals, MS 2090  
Washington, DC 20529-2090



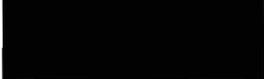
U.S. Citizenship  
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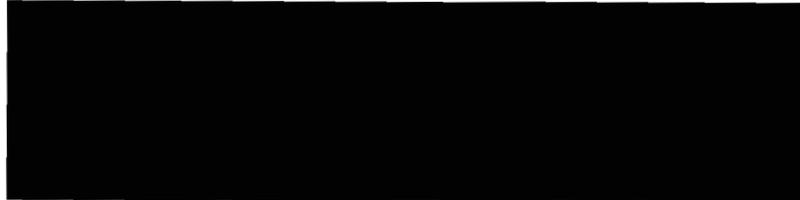
Office: VERMONT SERVICE CENTER

Date:

**MAY 11 2010**

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IN RE Petitioner:



PETITION:

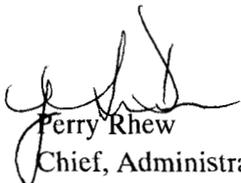
Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:



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.

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the immigrant visa petition and the petitioner subsequently appealed. The Administration Appeals Office (AAO) issued a summary dismissal and the petitioner submitted a motion to reopen and reconsider. The AAO granted the motion but affirmed its previous decision. The matter is now before the AAO on a second motion to reopen and reconsider. The motion will be granted and the petition will be approved.

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.

Section 204(a)(1)(A)(iii) of the Act provides that an alien who is the spouse of a United States citizen may self-petition for immigrant classification if the alien demonstrates that he or she entered into the marriage with the United States citizen spouse in good faith and that during the marriage, the alien or a child of the alien was battered or subjected to extreme cruelty perpetrated by the alien’s spouse. In addition, the alien must show that he or she is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and is a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II).

The director denied the petition after determining that the petitioner failed to establish that she is a person of good moral character. Counsel for the petitioner submitted a timely filed Form I-290B, Notice of Appeal or Motion and indicated that he would file a brief within 30 days. Upon review of the record, the AAO determined that counsel had not filed a brief or additional evidence within the 30 days and summarily dismissed the appeal. On motion, counsel for the petitioner asserted that no brief was necessary as United States Citizenship and Immigration Services (USCIS) had issued a decision that included a clear factual error. Upon review of the record, the AAO concurred with counsel’s assessment that USCIS had clearly required confirmation of the petitioner’s good moral character from a geographical location where she had never resided. The AAO determined, however, that neither counsel nor the petitioner had submitted the police reports or disposition of two violations cited in a Dos Palos Police Department letter. The AAO affirmed its previous decision and denied the petition on August 3, 2009. Counsel for the petitioner submits a third Form I-290B to reopen and reconsider the AAO’s prior decision.

The AAO has reviewed the evidence submitted, including an August 19, 2009 letter from the Dos Palos Police Department, and finds that the petitioner has established that she is a person of good moral character. In the August 19, 2009 letter, a representative of the records unit of the Dos Palos Police Department states that the petitioner does not have any contact of a criminal nature and that a registration violation was signed off in 2005 and department information shows that the petitioner was a victim in 2007 of a forgery committed by her ex-husband. As the issue of the petitioner’s good moral character was the only issue to be resolved to establish eligibility for this benefit and as the record shows that the petitioner is a person of good moral character, the petition is approvable. The applicant has met her burden of proof.

**ORDER:** The decision of the director and the previous decisions of the AAO are withdrawn and the petition is approved.