

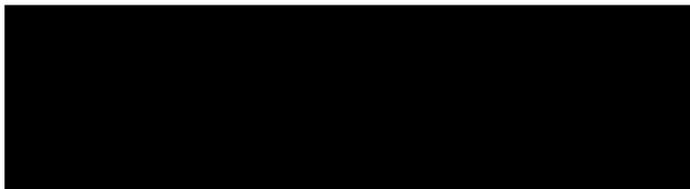
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



B9.



Date:

SEP 14 2011

Office: VERMONT SERVICE CENTER

FILE:

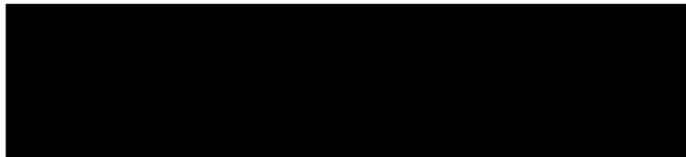


IN RE:



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:

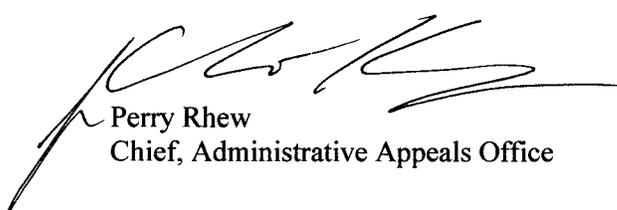


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The director of the Vermont Service Center denied the immigrant petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reconsider. The motion will be dismissed as untimely filed.

A motion to reopen or reconsider must be filed within 30 days of the adverse 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). The regulations further require that a motion be submitted “to the office maintaining the record upon which the unfavorable decision was made for forwarding to the official having jurisdiction.” *Id.* at § 103.5(a)(1)(iii)(E). A motion that does not meet the applicable requirements shall be dismissed. *Id.* at § 103.5(a)(4).

On the cover page of its February 8, 2011 decision, the AAO notified the petitioner that the record had been returned to the Vermont Service Center and that any motion would have to be submitted to that office within 30 days. Counsel instead sent the motion to reconsider to the AAO, and it was returned to counsel as improperly filed. Counsel did not properly file the motion with the Vermont Service Center until March 17, 2011, which was 37 days after the AAO’s prior decision was issued. Accordingly, the motion to reconsider was untimely filed and must be summarily dismissed.

ORDER: The motion is dismissed.