



U.S. Citizenship
and Immigration
Services

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DATE: **JUN 22 2012** Office: VERMONT SERVICE CENTER
50693

FILE:

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:

SELF-REPRESENTED

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. Do not file any motion directly with the AAO. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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, Vermont Service Center (“the director”), denied the immigrant visa petition and the Administrative Appeals Office (AAO) dismissed a subsequently filed appeal. The AAO affirmed its decision after granting two subsequent motions to reopen and reconsider its decision. On a third motion to reopen the matter, the AAO dismissed the motion as untimely filed and affirmed the dismissal on a fourth motion to reopen. The matter is now before the AAO on a fifth motion to reopen. The motion will be dismissed. The AAO’s previous decisions will be affirmed and the petition will remain denied.

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 a United States citizen.

The regulation at 8 C.F.R. § 103.5(a)(2) states, in pertinent part: “A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence.”

The petitioner timely submits a Form I-290B, Notice of Appeal or Motion, checking the box indicating that she is filing a motion to reopen. The petitioner provides a personal statement indicating that she needs the excellent medical care available in the United States and that it would be difficult for her emotionally and mentally to return to live in Africa. The petitioner reiterates that she suffered abuse from her husband.

The AAO previously discussed and set out the deficiencies in the evidence submitted in support of the petitioner’s Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant. The petitioner provides no further relevant evidence supported by affidavits in support of this fifth motion to reopen the matter.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The regulation at 8 C.F.R. § 103.5(a)(4) states: “[a] motion that does not meet applicable requirements shall be dismissed.” Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the AAO will be affirmed.

ORDER: The motion is dismissed. The AAO’s previous decisions are affirmed. The petition remains denied.