

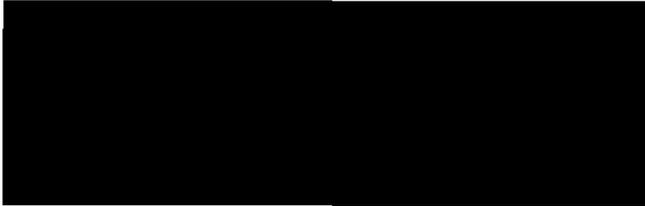
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE: **MAR 02 2012**

Office: VERMONT SERVICE CENTER

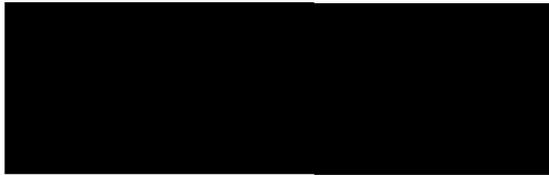
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IN RE:

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:

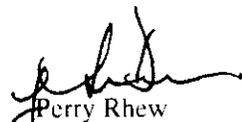


INSTRUCTIONS:

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, Vermont Service Center, denied the immigrant visa petition. The Administrative Appeals Office (AAO) dismissed a subsequently filed appeal. The matter is now before the AAO on a second appeal. The appeal will be rejected for lack of jurisdiction.

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 (USC).

The director determined that the petitioner had not established: she had been subjected to battery or extreme cruelty perpetrated by the USC spouse; she entered into the marriage in good faith; or that she had complied with section 204(g) of the Act.

The AAO dismissed the petitioner's appeal on August 9, 2011, concurring with the director's decision and further determining that the petitioner had not demonstrated eligibility for immediate relative classification under section 204(a)(1)(A)(iii) of the Act.

On September 7, 2011, counsel for the petitioner submitted a second Form I-290B, Notice of Appeal or Motion, checking the box indicating that the petitioner is filing an appeal.

The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003) and subsequent amendments. While the AAO has appellate jurisdiction over Form I-360 special immigrant petitions, the AAO has no jurisdiction over the petitioner's second Form I-290B because no appeal lies from the AAO's dismissal of a prior appeal. The matter may only be brought before the AAO again upon the proper filing of a motion to reopen or reconsider pursuant to the regulation at 8 C.F.R. § 103.5. The petitioner did not file a motion, but an appeal. Accordingly, the appeal must be rejected for lack of jurisdiction.

ORDER: The appeal is rejected.