

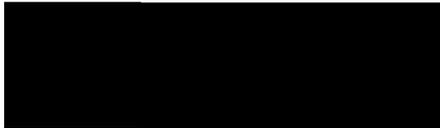
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



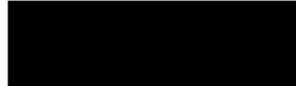
**U.S. Citizenship
and Immigration
Services**



B9

DATE: **MAY 11 2012** Office: VERMONT SERVICE CENTER

FILE:



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:

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 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 and the Administrative Appeals Office (AAO) dismissed a subsequently filed appeal. The petitioner filed a motion to reopen and reconsider which the AAO granted. Upon review, the AAO affirmed its previous decision. The petitioner then filed a second motion to reopen and reconsider. Upon review, the AAO dismissed the motion. The matter is now before the AAO on a third motion to reopen. The motion will be dismissed. The appeal will remain dismissed and the petition will remain denied.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(iii) of 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 director denied the petition on the basis of his determination that section 204(c) of the Act barred approval of the petition because the petitioner attempted or conspired to enter into a prior marriage for the purpose of evading the immigration laws. In its September 10, 2010 decision dismissing the appeal, the AAO affirmed the director's determination that section 204(c) of the Act barred approval of the petition and further determined that the petitioner was ineligible for immediate relative classification. The AAO, in its March 3, 2011 decision, granted the petitioner's motion, but affirmed its previous decision. The AAO, in its January 12, 2012 decision, dismissed the motion, determining that the petitioner had not provided evidence to meet the requirements of a motion to reopen and had not submitted pertinent precedent decisions or other evidence establishing that its decision was based on an incorrect application of law or United States Citizenship and Immigration Services (USCIS) policy. The matter is now before the AAO on a third motion to reopen. The petitioner reiterates that he was the unwitting victim of immigration fraud perpetrated by others and that he never conspired to enter into a fraudulent marriage with anyone for the purpose of obtaining a green card or other immigration benefit. The petitioner submits a previously provided statement signed by [REDACTED] and a March 18, 2008 affidavit signed by his ex-wife.

The petitioner has not submitted affidavits or other documentary evidence to meet the requirements of a motion to reopen. Although the March 18, 2008 affidavit from his ex-wife was not previously submitted, the statement does not provide probative evidence showing that the petitioner in this matter did not attempt to evade immigration laws when he consulted with and retained HPPS to obtain lawful permanent residence status in the United States. The petitioner in his own statement reiterates his previous claims and does not provide any new evidence. The record on this instant motion does not include new relevant facts supported by affidavits or other documentary evidence sufficient 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 September 10, 2010, March 3, 2011 and January 12, 2012 decisions are affirmed. The petition remains denied.