



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: **APR 19 2013** Office: VERMONT SERVICE CENTER File: [REDACTED]

IN RE: Petitioner: [REDACTED]

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

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 in accordance with the instructions on 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center ("the director"), denied the immigrant visa petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen and a motion to reconsider. The motion will be dismissed. The appeal will remain dismissed and the petition will remain denied.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iv) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1154(a)(1)(A)(iv), as an alien battered or subjected to extreme cruelty by a United States stepparent.

The director denied the petition for failure to establish a qualifying relationship with a U.S. citizen parent because the petitioner's father and former stepmother divorced before the petition was filed. In its August 22, 2012 decision dismissing the appeal, the AAO concurred with the director's ultimate determination finding that the petitioner failed to establish that a family relationship continued to exist in fact between the petitioner and his stepmother after the divorce.

A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The petitioner has not submitted affidavits or other documentary evidence that meets the requirements of a motion to reopen. The petitioner submits a brief statement on the Form I-290B Notice of Appeal or Motion and a copy of an unpublished AAO decision previously submitted. He does not state new facts or provide additional evidence to establish that the AAO did not consider any credible evidence relevant to the petition in violation of the statute or regulations. The petitioner also does not establish that the AAO's prior decision was based on an incorrect application of the relevant law or agency policy. The petitioner's statement further fails to establish that the AAO's prior decision was incorrect based on the evidence of the record at the time of the initial decision. Consequently, the motion to reopen and the motion to reconsider must be dismissed. *See* 8 C.F.R. § 103.5(a)(4) (a motion that does not meet the applicable requirements shall be dismissed).

ORDER: The motion is dismissed. The August 22, 2012 decision of the Administrative Appeals Office is affirmed. The appeal remains dismissed and the petition remains denied.