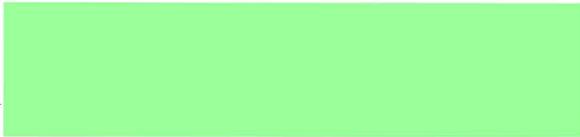


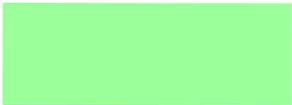
(b)(6)

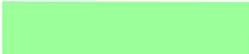


U.S. Citizenship  
and Immigration  
Services



DATE: **FEB 13 2013** OFFICE: VERMONT SERVICE CENTER

FILE: 

IN RE: Petitioner: 

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

ON BEHALF OF PETITIONER:

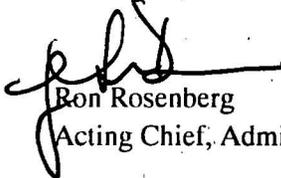
SELF-REPRESENTED

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,



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 reconsider. 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)(B)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(B)(iii), as an alien child battered or subjected to extreme cruelty by his U.S. lawful permanent resident stepparent.

The director denied the petition for failure to establish that the petitioner had a qualifying relationship with a U.S. lawful permanent resident parent and was eligible for immigrant classification based upon that relationship.

On May 9, 2012, the AAO dismissed the petitioner’s appeal. The AAO determined that because the petitioner filed the Form I-360 when he was 30 years old he no longer meets the definition of a child under section 101(b)(1)(B) of the Act, and is therefore ineligible for immigrant classification under section 204(a)(1)(B)(iii) of the Act. The AAO further determined that the petitioner is ineligible for the late-filing waiver at section 204(a)(1)(D)(v) of the Act.<sup>1</sup>

On motion, the petitioner resubmits documentation related to his immigration proceedings and asserts that under the Violence Against Women Act (VAWA), children who are over 21 years old remain eligible to file a petition. The petitioner further requests that his motion be considered because he has a four-year-old child and his mother was in a car accident.

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’s submission fails to meet the requirements for a motion to reconsider. The petitioner in his statement only reiterates his previous claim that he remains eligible for immigrant classification under VAWA. The petitioner does not cite precedent decisions to establish that the AAO’s prior decision incorrectly applied the pertinent law or agency policy. Nor does he show that the AAO’s prior decision was erroneous based on the evidence of record at the time. Consequently, 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 May 9, 2012 decision of the Administrative Appeals Office is affirmed and the appeal remains dismissed.

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<sup>1</sup> This provision allows an individual to file a Form I-360 before he or she attains 25 years of age if he or she shows that the abuse was at least one central reason for the filing delay.