



U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **JUN 10 2013** Office: VERMONT SERVICE CENTER

FILE:

IN RE: Self-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 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 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 request 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 that any motion must 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. On appeal, the Administrative Appeals Office (AAO) remanded the matter for further action. The director denied the petition and certified his decision to the AAO for review. The AAO affirmed the director's decision and the petition remained denied. The petitioner then filed a motion to reopen and reconsider. The AAO dismissed the motion and affirmed its prior decision to deny the petition. The petitioner then filed another motion to reopen and reconsider, which the AAO again dismissed. The matter is now before the AAO on a third motion to reopen and reconsider. The motion will be dismissed. The previous decisions of the AAO will be affirmed. 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 director denied the petition because the petitioner had not established that his former spouse subjected him to battery or extreme cruelty and that he had entered into the marriage in good faith. Each of the previous AAO decisions is incorporated here by reference.

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 any documentary evidence to meet the requirements of a motion to reopen. The petitioner submits a brief affidavit in which he indicates that he is relying on the evidence he previously submitted and that he has no further evidence to submit. The petitioner further notes that he reaffirms his previous affidavits, and submits copies of previously submitted evidence. On his Form I-290B, Notice of Motion, the petitioner asserts that USCIS did not properly apply the provisions of the Act and did not give due consideration to its own memorandums and the petitioner's evidence. The petitioner, however, does not support this assertion with legal analysis or offer any new facts to be proven.

The petitioner's submission also fails to meet the requirements for a motion to reconsider. The petitioner fails to cite any binding precedent decisions or other legal authority establishing 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 reopen or 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 April 18, 2011, March 12, 2012, and December 20, 2012 decisions of the Administrative Appeals Office are affirmed and the petition remains denied.