



U.S. Citizenship  
and Immigration  
Services

(b)(6)

Date:

SEP 25 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:

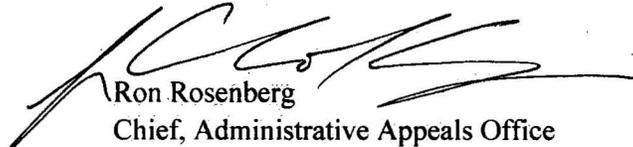
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
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 AAO dismissed all of the petitioner's three subsequent motions to reopen and reconsider. The matter is now before the AAO on a fourth 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 new evidence to meet the requirements of a motion to reopen.<sup>1</sup> The petitioner's submission also fails to meet the requirements for a motion to reconsider. The petitioner's brief on motion is an almost exact copy of a previously submitted brief and offers no new arguments or additional information. 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, 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 and 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, December 20, 2012 and June 10, 2013 decisions of the Administrative Appeals Office are affirmed and the petition remains denied.

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<sup>1</sup> All of the exhibits attached to the petition are copies of previously submitted documents.