

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

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: **AUG 07 2014** OFFICE: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: Self-Petitioner [REDACTED]

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:

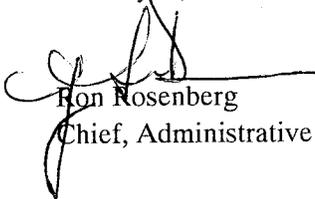
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (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. The Administrative Appeals Office (AAO) dismissed a subsequent appeal and affirmed its decision in response to a motion to reconsider. The matter is again 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 because the petitioner filed the Form I-360 when he was 30 years old and therefore did not meet the definition of a child under section 101(b)(1)(B) of the Act. The director determined that the petitioner did not qualify for the late-filing waiver at section 204(a)(1)(D)(v) of the Act, which 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. We dismissed a subsequent appeal and affirmed our decision in response to the petitioner’s motion to reconsider.

On the present motion, the petitioner reasserts that he remains eligible as an abused child of a lawful permanent resident because he was 20 years old at the time his stepfather filed an immigrant petition on his behalf and the Violence Against Women Act (VAWA) provisions allow stepchildren to remain eligible to file a Form I-360 petition after 21 years of age.

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 record reflects that the petitioner’s stepfather filed a petition for alien relative (Form I-130) on behalf of the petitioner on July 18, 2001, when the petitioner was 20 years old. The Form I-130 was denied on April 11, 2006. The Child Status Protection Act (CSPA) amendments to section 204 of the Act do not allow a change in the calculation of the petitioner’s age at the time of filing the Form I-360. As discussed in our previous decisions, the late-filing waiver at section 204(a)(1)(D)(v) of the Act specifically requires a petitioner to file a Form I-360 before he reaches the age of 25. The petitioner filed his Form I-360 on October 18, 2010 when he was 30 years old. 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).

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NON-PRECEDENT DECISION

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ORDER: The motion is dismissed. The May 9, 2012 decision of the Administrative Appeals Office is affirmed and the appeal remains dismissed.