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

U.S. Citizenship and Immigration Services

(b)(6)

Date: APR 0 2 2015 Office: VERMONT SERVICE CENTER File:

IN RE: 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:

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), originally revoked approval of the immigrant visa petition after proper notice. The Administrative Appeals Office (AAO) dismissed a subsequent appeal and affirmed its decision in response to the petitioner's last five motions filed on this matter. The matter is again before the AAO on a sixth motion to reconsider. The motion will be dismissed. The previous decisions will be affirmed. Approval of the petition will remain revoked.

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.

Section 205 of the Act, 8 U.S.C. § 1155, permits U.S. Citizenship and Immigration Services (USCIS) to, at any time, revoke the approval of a petition approved under section 204 of the Act for good and sufficient cause.

The director revoked the approval of the instant Form I-360 petition on May 1, 2009, because the record reflected that the petitioner had a prior marriage that he did not disclose, and failed to provide evidence that his prior marriage was terminated when he married M-E-.[1] The director further determined that the petitioner did not establish any of the requirements of section 204(a)(1) of the Act. In our June 1, 2010, decision on appeal, we withdrew the director's determination that the petitioner lacked good moral character, but concurred with the director's determination that the petitioner did not establish that he had a qualifying relationship as the spouse of a United States citizen and is eligible for immigrant classification based on that relationship. We further concurred with the director's determination that because the petitioner did not establish that he was legally free to marry M-E- he had not established the remaining requirements of section 204(a)(1) of the Act. In our September 27, 2010, March 28, 2012, and December 30, 2013, decisions, we granted the petitioner's motion to reopen and reconsider and affirmed our initial June 1, 2010, decision. In our August 22, 2014, decision, we dismissed the petitioner's motion to reopen and reconsider. Our previous decisions are incorporated here by reference.

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 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).

In this motion, the petitioner asserts that in our June 1, 2010, decision, we introduced a "new ground for denial," which is that he failed to demonstrate that his marriage to M-E- was a valid marriage. Contrary to the petitioner's assertion, the record reflects that the director specifically determined that the petitioner had failed to provide "evidence of the termination of [the petitioner's] prior marriage," that he "therefore did not establish his eligibility to marry United States citizen [M.E.]," and that "his marriage to [M.E.] cannot be recognized as a lawful [i.e. valid] marriage." The petitioner contends that this "new ground for denial" is based solely on the Department of States' DOS Optional Form (OF) 156, Nonimmigrant Visa Application, in which he mistakenly signed the OF-156 as being married instead of single, and that he already "presented all documentation regarding his previous non-marital status." The

[1] Name withheld to protect the individual's identity.

petitioner repeats the same contention that he previously stated in the fifth motion, and does not cite to binding case law or otherwise establish that our prior decisions were based on an incorrect application of law or USCIS policy, as required for a motion to reconsider at 8 C.F.R. § 103.5(a)(3). Accordingly, 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 June 1, 2010, September 27, 2010, March 28, 2012, December 30, 2013, and August 22, 2014, decisions of the Administrative Appeals Office are affirmed. The appeal remains dismissed and the petition's approval remains revoked.