



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: **APR 09 2015** Office: VERMONT SERVICE CENTER File: [REDACTED]

IN RE: Self-Petitioner: [REDACTED]

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)

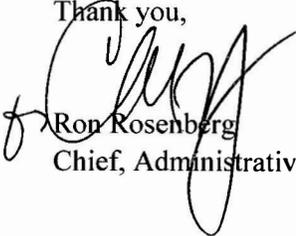
ON BEHALF OF PETITIONER:

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 Vermont Service Center acting director (the “director”) denied the immigrant visa petition and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now us before us on a motion to reopen. The motion will be dismissed. The appeal will remain dismissed and the petition will remain denied.

The petitioner seeks immigrant classification pursuant to 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 her former United States citizen spouse.

The director denied the petition for failure to establish that the petitioner entered into marriage with her husband in good faith. On September 10, 2014, we dismissed the appeal on this same ground.

A motion to reopen must provide new facts and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). The petitioner did not submit evidence with her motion as indicated on Part 2 of the Form I-290B and further requested leave to submit additional evidence within 90 days. Although the regulation at 8 C.F.R. § 103.3(a)(2)(vii) states that a petitioner may be permitted additional time to submit a brief or additional evidence in connection with an appeal, no such provision applies to a motion to reopen. The additional evidence must comprise the motion. *See* 8 C.F.R. §§ 103.5(a)(2). To date, we have not received a brief or any further evidence to meet the requirements of a motion.

The Form I-290B Notice of Appeal or Motion requires at Part 4. that the petitioner submit a statement regarding the basis for the motion. On motion, the petitioner fails to state why we should reopen our previous decision. Accordingly, the motion to reopen 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 September 10, 2014, decision of the Administrative Appeals Office is affirmed. The appeal remains dismissed and the petition remains denied.