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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

Date: Office: VERMONT SERVICE CENTER File: [REDACTED]

FEB 13 2015

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:

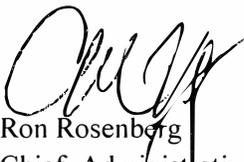
SELF-REPRESENTED

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 the subsequent appeal and affirmed its decision upon the dismissal of four prior motions. The matter is now before the AAO on another motion to reopen and reconsider.<sup>1</sup> 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 a United States citizen spouse. The director denied the petition for failure to demonstrate the requisite battery or extreme cruelty. On motion, the petitioner submits a letter in which she asserts that she was the subject of “extreme cruelty”, and that she was emotionally abused.

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 evidence to meet the requirements of a motion to reopen. The petitioner states in her letter that she was the subject of extreme cruelty by social isolation, accusations of infidelity, threats of deportation, incessantly calling, not allowing the victim to get a job, degrading the victim and interrogating the victim, her family and friends, and humiliating the victim in front of her friends and relatives. The petitioner offers no new facts to be proved and submits no additional evidence with the motion.

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 our prior decisions incorrectly applied the pertinent law or agency policy. The petitioner also has not shown that our prior decisions were 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 previous decisions of the Administrative Appeals Office are affirmed and the petition remains denied.

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<sup>1</sup> The motion is styled as an appeal. We do not exercise jurisdiction over our own appeals. We will accept the filing as a motion to reopen and a motion to reconsider.