



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF P-M-

DATE: SEPT. 2, 2015

MOTION TO RECONSIDER VERMONT SERVICE CENTER DECISION

PETITION: FORM I-360, PETITION FOR AMERASIAN, WIDOW(ER), OR SPECIAL
IMMIGRANT

The Petitioner, an individual, seeks classification as an immigrant abused spouse. *See* Immigration and Nationality Act (INA, or the Act) § 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director, Vermont Service Center, denied the petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before us on motion to reconsider. The motion will be denied.

In order to properly file a motion to reconsider, the regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that the affected party or the attorney or representative of record must file the complete motion within 30 days of service of the unfavorable decision. If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.8(b). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i). There is no exception to the filing deadline for a motion to reconsider.

The AAO dismissed the appeal on February 5, 2015. The Form I-290B, Notice of Appeal or Motion was received by USCIS on March 12, 2015, or 35 days after the decision was issued. Accordingly, the motion to reconsider was untimely filed and must be denied.

ORDER: The motion to reconsider is denied. The decision of the AAO is affirmed.

Cite as *Matter of P-M-*, ID# 13633 (AAO Sept. 2, 2015)