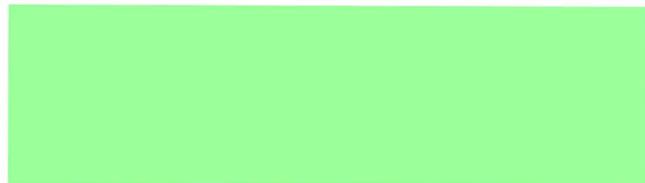


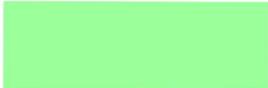


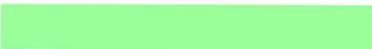
U.S. Citizenship
and Immigration
Services

(b)(6)



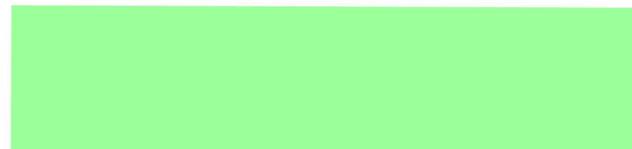
Date: NOV 18 2014

Office: VERMONT SERVICE CENTER File: 

IN RE: Self-Petitioner: 

PETITION: Petition for Immigrant Abused Parent Pursuant to Section 204(a)(1)(A)(vii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(vii)

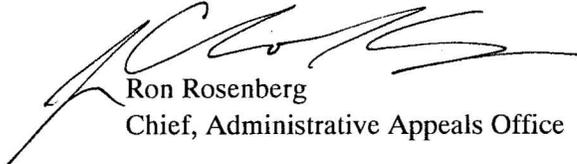
ON BEHALF OF PETITIONER:



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.

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center acting director, (the director) denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the petition will be approved.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(vii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(vii), as an alien parent battered or subjected to extreme cruelty by his United States citizen son. The director denied the petition for failure to establish that the petitioner is a person of good moral character. On appeal, the petitioner, through counsel, submits additional evidence.

Relevant Law

Section 204(a)(1)(A)(vii) of the Act provides that an alien who is the parent of a United States citizen may self-petition for immigrant classification if the alien demonstrates that he or she was battered or subjected to extreme cruelty perpetrated by the alien's daughter or son. In addition, the alien must show that he or she is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive daughter or son, and is a person of good moral character. Section 204(a)(1)(A)(vii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(vii).

Pertinent Facts and Procedural History

The petitioner is a citizen of Mexico who indicates that he entered the United States in May 1995 without admission, inspection or parole. The petitioner's son, D-I-¹, is a U.S. citizen who was born on February 12, 1991 in Missouri. The petitioner filed the instant Form I-360 self-petition on October 24, 2012 based on his relationship with D-I-. The director subsequently issued a Request for Evidence (RFE) of the petitioner's good moral character. The petitioner, through counsel, timely responded to the RFE with additional evidence, which the director found insufficient to establish the petitioner's eligibility. The director denied the petition and the petitioner filed a timely appeal.

We review these proceedings *de novo*. A full review of the record as supplemented on appeal demonstrates that the petitioner has overcome the director's ground for denial. The appeal will be sustained for the following reasons.

Good Moral Character

Primary evidence of an abused parent self-petitioner's good moral character is the self-petitioner's affidavit accompanied by a local police clearance or a state-issued criminal background check from each locality or state in which the self-petitioner has resided for six or more months during the 3-year period preceding the filing of the self-petition (in this case, during the period beginning in October 2009 and ending in October 2012). See U.S. Citizenship and Immigration Services (USCIS) Policy Memorandum (PM-602-0046), *Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen*, 5 (Aug. 30, 2011). The petitioner initially submitted a copy of his criminal record check

¹ Name withheld to protect individual's identity.

request based upon a name, date of birth and social security number search. He also provided letters attesting to his good moral character from his church and five of his friends. The petitioner, however, failed to provide the results of the criminal record check and a personal affidavit in which he addressed his moral character.

On December 4, 2012, the director issued a RFE for the petitioner to submit a personal affidavit in which he addressed his moral character supported by criminal history clearances or records from each place he has resided for at least six months during the three-year period before filing the petition. The director indicated that the petitioner should include his two aliases and an additional date of birth that he previously used if his criminal record check was based on a search by name and date of birth. In response to the RFE, the petitioner indicated that he was submitting the results of a criminal record check conducted under his name and all of his aliases and additional affidavits from his friends. However, these documents are not in the record with his RFE response.

On appeal, the petitioner submits the following relevant evidence: his own personal affidavit and five additional supporting letters from the petitioner's friends attesting to his good moral character; and the results of two criminal record searches by the Criminal Justice Information Services Division of the Missouri State Highway Patrol, identified as the central repository of criminal record information for Missouri.

In the petitioner's affidavit he asserts that he has resided in Missouri since July 4, 1990 and he has never been charged or convicted of any crimes in any jurisdiction. The petitioner also explains that he tries to be a good person who cares for his family and contributes to his community. The results of the Missouri State Highway Patrol criminal record search based upon the petitioner's name, aliases and alternate dates of birth, as well as the separate search based upon his fingerprints show no criminal conviction or sex offender information was found. Accordingly, the record now contains the requisite primary evidence of the petitioner's good moral character. The letters from the petitioner's church and friends further attest to his involvement in his community and his good moral character. The petitioner has therefore established that he is a person of good moral character, as required by section 204(a)(1)(A)(vii)(II) of the Act.

Conclusion

On appeal, the petitioner has established that he is a person of good moral character and overcome the sole ground for denial of his petition. He is consequently eligible for immigrant classification under section 204(a)(1)(A)(vii) of the Act.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Here, that burden has now been met. Accordingly, the appeal will be sustained and the petition will be approved.

ORDER: The appeal is sustained.