



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



FILE: [Redacted]
EAC 98 005 54601

Office: Vermont Service Center

Date:

JAN 21 2000

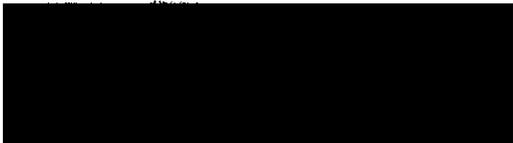
IN RE: Petitioner:
Beneficiary:



Public Copy

APPLICATION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. 1154(a)(1)(A)(iii)

IN BEHALF OF PETITIONER:



Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center. A subsequent appeal was dismissed by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be dismissed.

The petitioner is a native and citizen of Germany who is seeking classification as a special immigrant 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 the battered spouse of a citizen of the United States.

The director denied the petition after determining that the record did not contain satisfactory evidence to establish that the petitioner is a person of good moral character and that she is a person whose deportation (removal) would result in extreme hardship to herself.

Upon review of the record of proceeding, the Associate Commissioner determined that the petitioner has furnished sufficient evidence to establish that she is a person of good moral character. He concluded, however, that the petitioner has failed to establish that her removal from the United States would result in extreme hardship and denied the petition on January 22, 1999.

On motion, counsel argues that the petitioner has submitted evidence showing that her departure from the United States would result in extreme hardship for various reasons: (1) she will encounter difficulty in obtaining employment in Germany beyond that normally encountered; and (2) departure from the United States would be greatly detrimental to her emotional and psychological well-being.

Pursuant to 8 C.F.R. 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceedings and be supported by affidavits or other documentary evidence. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. 103.5(a)(4).

The record reflects that the director, in his decision, reviewed the record of proceeding and found that the petitioner failed to establish that she qualifies for the benefit sought. The Associate Commissioner also reviewed the record of proceeding, including evidence furnished by the petitioner on appeal, and concluded that the petitioner has failed to establish eligibility for the benefit sought pursuant to 8 C.F.R. 204.2(c)(1)(i)(G). Counsel's arguments raised in his motion to reopen have been addressed by the Associate Commissioner in his decision. The petitioner has presented no new



facts or other documentary evidence in support of the motion to reopen.

Accordingly, the motion will be dismissed and the decision of the Associate Commissioner will be affirmed.

ORDER: The motion is dismissed. The decision of the Associate Commissioner dated January 22, 1999, is affirmed.