



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

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

In Re: 29461501

Date: DEC. 12, 2023

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Abused Child of U.S. Citizen or Lawful Permanent Resident

The Petitioner seeks immigrant classification as an abused child of a U.S. citizen under the Violence Against Women Act (VAWA) provisions, codified at section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iv). The Director of the Vermont Service Center denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition). We summarily dismissed the Petitioner's appeal. The matter is now before us on a motion to reopen. Upon review, we will grant the motion to reopen and remand the matter to the Director for the issuance of a new decision.

A petitioner who is the child of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates that they were battered or subjected to extreme cruelty perpetrated by the petitioner's citizen parent. Section 204(a)(1)(A)(iv) of the Act. In addition, a petitioner must show that they are eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive parent, and are a person of good moral character. *See id.*

The definition of "child" under the Act includes "an unmarried person under 21 years of age who is . . . a stepchild, whether or not born out of wedlock, provided the child had not reached the age of 18 years at the time the marriage creating the status of stepchild occurred." Section 101(b)(1) of the Act, 8 U.S.C. § 1101(b)(1). Section 204(a)(1)(D)(v) of the Act allows an individual to file a self-petition when that individual is not less than 21 years of age but has not yet reached the age of 25 if that individual can demonstrate that the abuse was at least one central reason for the delay.

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). We cannot grant a motion that does not meet applicable requirements. *See* 8 C.F.R. § 103.5(a)(4).

The issue before us is whether the Petitioner has submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal. We find that the Petitioner has submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal.

The Director denied the VAWA petition, determining that because the Petitioner was over the age of 25 at the time of her VAWA petition filing, she had not established that she had a qualifying

parent-child relationship with a U.S. citizen on the date the petition was filed and the corresponding eligibility for preference immigrant classification. With the instant motion, the Petitioner submits documentation in support of her contention that she timely filed the VAWA petition before she turned 25 years of age and is thus eligible for the classification sought.

Considering the documentation submitted with the instant motion, we find it appropriate to remand the matter for the Director to evaluate the record in its entirety to determine whether the Petitioner has satisfied the eligibility requirements for VAWA classification under section 204(a)(1)(A)(iv) of the Act.

**ORDER:** The motion to reopen is granted, and the matter is remanded to the Director for the entry of new decision.