



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

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

In Re: 28587670

Date: OCTOBER 26, 2023

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Abused Spouse or Child of U.S. Citizen

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified at section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director of the Vermont Service Center denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), concluding that the Petitioner did not establish her good moral character. We dismissed a subsequent appeal and a motion to reopen concluding that the Petitioner did not establish good moral character because she did not submit requested court documentation. The matter is now before us on a motion to reconsider. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

The scope of a motion is limited to “the prior decision” and “the latest decision in the proceeding.” 8 C.F.R. § 103.5(a)(1)(i), (ii). On motion, the Petitioner reasserts that she has submitted all available court documentation.¹ However, she has not submitted the requested documentation regarding the completion of her court-ordered rehabilitation program or court documentation regarding her 2013 arrest. As we stated in our prior decision, U.S. Citizenship and Immigration Services evaluates a VAWA petitioner’s claim of good moral character on a case-by-case basis, considering the provisions of section 101(f) of the Act and the standards of the average citizen in the community. 8 C.F.R. § 204.2(c)(1)(vii). In the absence of additional information or documentation which would allow us to properly and fully consider the basis for and specific facts surrounding the Applicant’s 2013 arrest, such as the underlying arrest report and records or transcripts documenting her subsequent criminal proceedings, we are unable to assess the impact of her behavior with respect to her claim of good moral character.

¹ In her prior motion, the Petitioner submitted a letter from the Criminal Records Office of the Grand Bahamas stating that the Criminal Records Office does not release court dispositions.

Here, the Petitioner reasserts facts we have already considered in our previous decisions. See, e.g., *Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (noting that “a motion to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error in the prior Board decision”). She has not established that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. Thus, she has not met the requirements for a motion to reconsider and the underlying petition remains denied.

ORDER: The motion to reconsider is dismissed.