



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

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

In Re: 28746249

Date: OCT. 24, 2023

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Abused Parent of U.S. Citizen)

The Petitioner seeks immigrant classification as the abused parent of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified at section 204(a)(1)(A)(vii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(vii). The Director of the Vermont Service Center denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition), concluding that the Petitioner did not establish that he is a person of good moral character and resided jointly with his U.S. citizen son. We summarily dismissed the Petitioner's subsequent appeal. The matter is now before us on motion to reopen.

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 reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

On motion, the Petitioner asserts that his attorney failed to file evidence in support of his appeal and that he later learned his attorney had closed their law office. He now submits evidence in support of his appeal. However, the Petitioner does not contend that our summary dismissal was erroneous, nor does he provide any argument as to how the evidence he now submits establishes his eligibility<sup>1</sup> for

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<sup>1</sup> The record does not otherwise establish the Petitioner's eligibility for classification as an abused parent of a U.S. citizen under VAWA. The Petitioner does not dispute the Director's determination that he was convicted of an aggravated felony as defined at section 101(a)(43)(B) of the Act and is therefore permanently barred from establishing his good moral character pursuant to section 101(f)(8) of the Act. Also, the Petitioner provides some evidence that appears to relate to his claim of joint residence with his U.S. citizen son but does not provide any argument as to the Director's finding on that issue. However, we need not reach, and therefore reserve, these issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where the applicant did not otherwise meet their burden of proof).

VAWA classification. As our review on motion is limited to the prior decision and the evidence on motion does not establish that we erred in our summary dismissal of the Petitioner's appeal or that the Petitioner is eligible for the benefit he seeks, we must dismiss the motion to reopen.

**ORDER:** The motion to reopen is dismissed.