



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

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

In Re: 25235652

Date: MAR. 07, 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 the matter is now before us on a motion to reopen. Upon review, we will dismiss the motion.

I. LAW

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, among other requirements, that they are a person of good moral character. Section 204(a)(1)(A)(iii)(II)(bb) of the Act; 8 C.F.R. § 204.2(c)(1)(F). The petitioner's "claim of good moral character will be evaluated on a case-by-case basis, taking into account 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). Primary evidence of the petitioner's good moral character is their affidavit, which should be accompanied by local police clearances or state-issued criminal background checks from each of the petitioner's residences during the three years before the petition was filed. 8 C.F.R. § 204.2(c)(2)(v).

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and establishes eligibility for the benefit sought.

II. ANALYSIS

The record reflects that the Petitioner's criminal history includes five convictions for possession of dangerous drugs in the Bahamas – in 1990, 1991, 1992, and 1994 – and an arrest for larceny and obtaining property by false pretense in the United States in 2013. In our prior decision, incorporated here by reference, we agreed with the Director's finding that the record did not contain sufficient evidence of good moral character, including documentation establishing that the Petitioner completed

a court-ordered rehabilitation program in connection with her 1994 conviction; court documentation regarding her 2013 arrest; documentation from the Federal Bureau of Investigations (FBI) relating to her alleged aliases, and certified transcripts from the Internal Revenue Service. The Petitioner did not submit any new evidence on appeal.

On motion, the Petitioner submits a personal statement wherein she asserts that she regrets her prior criminal behavior, and she is committed to living responsibly. She also submits an FBI fingerprint report, certified tax documentation, and a letter from the Criminal Records Office of the [REDACTED] [REDACTED] which lists her convictions and states that the Criminal Records Office does not release court dispositions.

While the Petitioner has submitted additional documentation, she has not submitted the requested documentation regarding the completion of her court-ordered rehabilitation program or court documentation regarding her 2013 arrest. As previously stated, USCIS 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). Unless a VAWA petitioner establishes extenuating circumstances, they will be found to lack good moral character if they committed unlawful acts that adversely reflect upon their moral character, although the acts do not require an automatic finding of lack of good moral character. *Id.* 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.

The Petitioner has not provided sufficient new evidence on motion to overcome our prior determination or established that our determination was based on an incorrect application of law or policy. Accordingly, the motion to reopen is dismissed and the VAWA petition remains denied.

ORDER: The motion to reopen is dismissed.