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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: JAN 0

EAC 04 163 53259

IN RE:



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

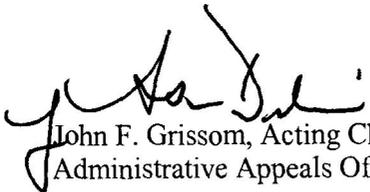
ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the immigrant visa petition and the Administrative Appeals Office (AAO) remanded a subsequent appeal to the director for entry of a new decision. The director has denied the petition and certified his decision to the AAO for review. The director's decision will be affirmed. The petition will be denied.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(iii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a United States citizen.

The director denied the petition on the basis of his determination that the petitioner had failed to establish that she had shared a residence with her husband; that she had been subjected to battery and/or extreme cruelty by her husband; and that she entered into the marriage in good faith. The AAO agreed with the director's analysis in its June 1, 2006 decision, but remanded the petition to the director, on technical grounds, for issuance of a notice of intent to deny (NOID) in accordance with 8 C.F.R. § 204.2(c)(3)(ii).

The director issued the requisite NOID on November 13, 2006. However, the petitioner did not respond. Accordingly, the director determined that the petitioner had failed to establish that she had shared a residence with her husband; that she had been subjected to battery and/or extreme cruelty by her husband; and that she entered into the marriage in good faith. The director therefore denied the petition on June 26, 2007 and certified his decision to the AAO for review. The contents of those documents are part of the record and their contents need not be repeated here.

As the petitioner chose not to respond to the director's NOID or submit additional evidence to the AAO to rebut the findings of the director's notice of certification, she has not established that she shared a residence with her husband; that she was subjected to battery and/or extreme cruelty by her husband; and that she entered into the marriage in good faith. Therefore, the director's decision will be affirmed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The director's June 26, 2007 decision is affirmed. The petition is denied.