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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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Bp

DATE: Office: VERMONT SERVICE CENTER

JUL 11 2011

File:

IN RE: Petitioner:

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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The petition will remain denied.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act ("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, after determining that the petitioner had not established that she had been subjected to battery or extreme cruelty perpetrated by the United States citizen spouse.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The petitioner timely submits a Form I-290B, Notice of Appeal or Motion, checking the box on the Form I-290B indicating that a supplemental brief and/or additional evidence is attached. The petitioner attaches a September 10, 2010 affidavit signed by [REDACTED] of the [REDACTED] a. [REDACTED] indicates that he met the petitioner after she had left the claimed abuser and that he was told of her difficulties and that she now attends church and has been baptized. In a September 7, 2010, [REDACTED] declares: that she first helped the petitioner with her I-485 application in June 2008; the petitioner called her in September 2008 and told her that her husband had kicked her out of the house; and that she later learned that the petitioner was staying at [REDACTED] e. Neither affiant provides additional evidence regarding the petitioner's claim that she was subjected to battery or extreme cruelty perpetrated by her United States citizen spouse.

The director in this matter determined that the petitioner had not submitted consistent credible evidence demonstrating that she had been subjected to battery or extreme cruelty. We concur with the director's assessment of the relevant evidence. The petitioner does not provide any further evidence or argument on appeal that overcomes the director's determination. The petitioner fails to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding. Accordingly, the appeal must be summarily dismissed pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is summarily dismissed. The petition remains denied.