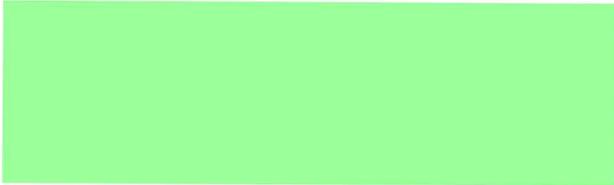


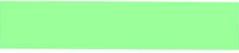
(b)(6)



U.S. Citizenship
and Immigration
Services



Date: **SEP 15 2014** Office: VERMONT SERVICE CENTER File: 

IN RE: Self-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)

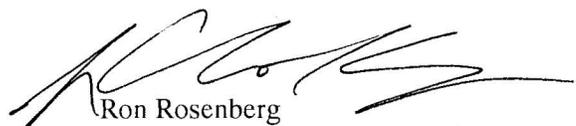
ON BEHALF OF PETITIONER:


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner seeks immigrant classification under 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 because the petitioner entered a prior marriage to evade the immigration laws and section 204(c) of the Act consequently barred approval of her self-petition. On appeal, counsel briefly asserts that the director improperly denied the petition for lack of sufficient evidence of the bonafides of her prior marriage.

The record shows the director issued a Request for Evidence (RFE) notifying the petitioner that the record indicated she was subject to section 204(c) of the Act and giving her the opportunity to submit evidence of the bonafides of her prior marriage. The record shows that the director reviewed all the submitted and relevant evidence and independently determined that it did not establish the petitioner's eligibility under the applicable standard of proof.

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. 8 C.F.R. § 103.3(a)(1)(v). While briefly expressing disagreement with the director's application of section 204(c) of the Act to the petitioner's case, counsel does not identify any specific, erroneous conclusion of law or statement of fact in the director's decision. On the Form I-290B, Notice of Appeal, counsel stated she would not submit a supplemental brief or additional evidence and the record lacks any such documents to support the petitioner's appeal.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.