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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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Bq.

[REDACTED]

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: SEP 15 2010
EAC 08 101 50203

IN RE: [REDACTED]

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:
[REDACTED]

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 \$585. 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 Vermont Service Center 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 pursuant to the bar against approval where the alien previously sought immigrant status based on a marriage entered into for the purpose of evading the immigration laws at section 204(c) of the Act, 8 U.S.C. § 1154(c). The director also denied the petition for failure to establish the requisite joint residence with the petitioner's second spouse and her entry into that marriage in good faith.

On appeal, counsel stated that a brief would be submitted by May 13, 2010. To date, over four months later, the AAO has not received a brief. On the Form I-290B, Notice of Appeal, counsel briefly states that the director should have given weight to the petitioner's explanation that she had no documentation of the bonafides of her second marriage due to a natural disaster. Counsel does not address the other two grounds for denial of the petition: the petitioner's lack of joint residence with her second husband and that she entered into her first marriage to evade the immigration laws.

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).

Counsel fails to identify any specific, erroneous conclusion of law or statement of fact in the director's decision and briefly addresses only one of the three grounds for denial of the petition. Counsel submits no brief or additional evidence on appeal. Consequently, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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 and the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.