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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529 - 2090

U.S. Citizenship and Immigration Services

B9

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: JAN 15 2009

EAC 03 244 54404

IN RE: Petitioner: [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:

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, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom, Acting 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 summarily dismissed.

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 because the petitioner did not establish that: (1) he and his spouse resided together; and (2) his spouse subjected him to battery or extreme cruelty.

On appeal, counsel asks U.S. Citizenship and Immigration Services (USCIS) to "accept our notice of appeal for humanitarian reasons." Counsel states that the petitioner claimed that his wife abused him by telling him that he would be deported, which made the petitioner feel humiliated, betrayed and abused. Counsel asks USCIS to allow the petitioner to start a new life in the United States.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states that the AAO may summarily dismiss an appeal "when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." Here, counsel does not address the merits of the petitioner's claims and offers no evidence to overcome the director's stated reasons for denying the petition. 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. As the petitioner has not met his burden, the AAO summarily dismisses the appeal.

ORDER: The appeal is dismissed. The petition is denied.