

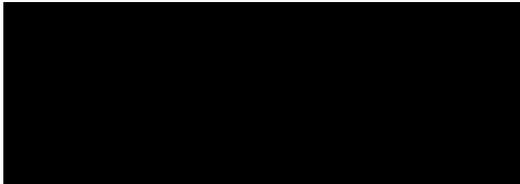
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**



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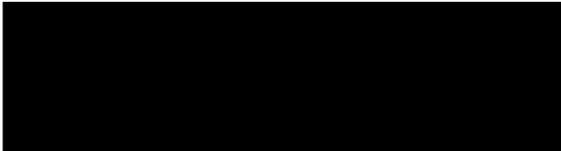
FILE: [REDACTED] Office: VERMONT SERVICE CENTER
EAC 09 128 50245

Date: AUG 04 2010

IN RE: [REDACTED]

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

ON BEHALF OF PETITIONER:

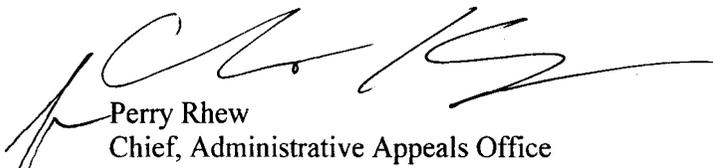


INSTRUCTIONS:

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 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)(B)(ii) of the Act, 8 U.S.C. § 1154(a)(1)(B)(ii), as an alien battered or subjected to extreme cruelty by a lawful permanent resident of the United States.

The director denied the petition on April 1, 2010, because the petitioner did not have a qualifying relationship as his spouse had lost her lawful permanent resident status more than two years prior to when the instant petition was filed and before their marriage. The director also denied the petition because the petitioner was not eligible for preference immigrant classification based on a qualifying relationship; and because he did not establish that his spouse subjected him to battery or extreme cruelty during their marriage and that his spouse lost her immigrant status due to an incident of domestic violence.

The petitioner, through counsel, filed a timely appeal on April 26, 2010. Counsel marked the box at section two of the Form I-290B, Notice of Appeal, to indicate that a brief and/or additional evidence would be sent within 30 days. On July 26, 2010, over 30 days later, counsel submitted a letter stating that the petitioner "is going to rely on the submission presented to USCIS." Counsel submits copies of documents previously filed and in the record at the time of the director's decision. Counsel also claims that the petitioner had a qualifying relationship with his spouse because they were both unaware that she had lost her lawful permanent resident status. Counsel cites no authority to support his claim.

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's appeal consists of a two-sentence statement written on the Form I-290B and a one-paragraph letter submitted over three months after the appeal was filed, in which he asserts that the petitioner believed his spouse was a lawful permanent resident of the United States. Apart from that generalized statement, counsel submits no brief or additional evidence in support of the appeal. Counsel's brief statements fail to specifically identify any erroneous conclusion of law or statement of fact in the director's decision. 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.