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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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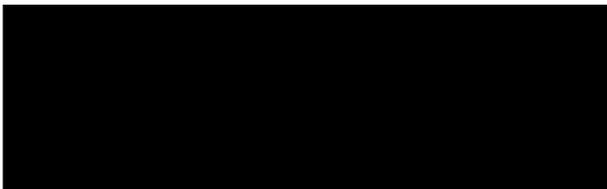


FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: JUL 14 2010

IN RE: Petitioner: [REDACTED]

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

ON BEHALF OF PETITIONER:

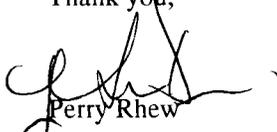


INSTRUCTIONS:

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

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iv) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1154(a)(1)(A)(iv), as an alien battered or subjected to extreme cruelty by his United States citizen stepparent.

Section 204(a)(1)(A)(iv) of the Act provides that an alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act and who resides, or has resided in the past, with the citizen parent may file a petition with the [Secretary of Homeland Security] under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the [Secretary of Homeland Security] that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent.

The director denied the petition, after determining that the petitioner had not established that he had been subjected to battery or extreme cruelty by the United States citizen stepparent.

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."

Counsel for the petitioner timely submits a Form I-290B, Notice of Appeal or Motion. Counsel asserts that the petitioner has provided substantial evidence in support of his claim, including the affidavits of the petitioner's mother, [REDACTED], as well as the affidavits from [REDACTED], [REDACTED], "among other things." Although counsel noted on the Form I-290B that his brief and/or additional evidence would be submitted in 30 days, the record does not include any additional brief or evidence in support of the appeal. Thus, the record is considered complete.

The director in this matter reviewed the documents in the file provided by the petitioner, including the petitioner's affidavit, the petitioner's mother's affidavits, the petitioner's aunt's affidavit, the affidavit of [REDACTED] and the affidavit of [REDACTED]. Upon review of the totality of the evidence in the record, the director determined that the petitioner had not submitted probative evidence to demonstrate that he had been subjected to battery or extreme cruelty by his United States citizen stepparent. The AAO observes that the affidavits submitted are general in nature and do not describe specific events, the surrounding circumstances of those events, or the timing of those events. The affidavits are so general that the director could not properly conclude that the petitioner had been subjected to battery or extreme cruelty. The AAO observes additionally that the petitioner has provided general statements that in and of themselves do not establish credibility and are sufficiently vague as to not lend themselves to evaluations regarding credibility. Thus, the record

does not include sufficient probative evidence to establish that the petitioner was subjected to battery or extreme cruelty by his United States citizen stepparent. Counsel does not provide any further evidence or argument on appeal to support the petitioner's claim that he was subjected to battery or extreme cruelty perpetrated by his United States citizen stepparent. Inasmuch as neither the petitioner's counsel nor the petitioner has identified specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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.