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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: **MAR 12 2010**
EAC 08 036 50423

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)

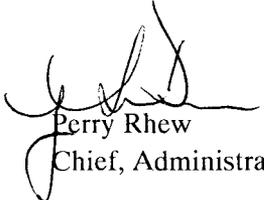
ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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).


Perry Rhew
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 be summarily dismissed. The petition will be denied.

The petitioner seeks immigrant classification pursuant to 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.

Section 204(a)(1)(A)(iii) of the Act provides that an alien who is the spouse of a United States citizen may self-petition for immigrant classification if the alien demonstrates that he or she entered into the marriage with the United States citizen spouse in good faith and that during the marriage, the alien or a child of the alien was battered or subjected to extreme cruelty perpetrated by the alien’s spouse. In addition, the alien must show that he or she is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and is a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II).

The director denied the petition on June 23, 2009, determining that the petitioner had not established that she had been subjected to battery or extreme cruelty by her spouse or that she had entered into the marriage in good faith.

The petitioner timely submits a Form I-290B, Notice of Appeal or Motion. The petitioner also submits her statement. The petitioner states that the “mental anguish, cruelty and humiliation that [she] has been subjected to is in [her] opinion more hurtful and mentally damaging than if [she] had been beat.” The petitioner also asserts that she married her spouse in good faith, that her spouse treated her better than any man had treated her in her life and that she was enamored with him, and that she had no idea that he wanted to marry her so that he would have someone to support him. The record does not contain further evidence submitted on appeal. Thus, the record is considered complete.

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.”

The petitioner does not provide further evidence or argument that establishes the director’s decision was based on a misunderstanding of the facts of the matter or that the director misinterpreted the law. The petitioner’s statement on appeal does not provide the detailed information necessary to demonstrate that the petitioner was a victim of battery or extreme cruelty as defined in the regulation or statute. Neither does the petitioner’s statement provide probative evidence or information surrounding the circumstances of her initial relationship with her spouse sufficient to establish her good faith intent upon entering into the marriage. Rather, the petitioner in her statement expresses her disagreement with the director’s conclusion without providing the underlying and necessary evidence and probative detail sufficient to establish the essential elements to obtain this benefit.

The petitioner’s statement on appeal is insufficient to form a basis of appeal. The petitioner does not

identify specifically any erroneous conclusions of law or statements of fact made by the director as a basis for the appeal. The AAO is without further probative evidence or argument to evaluate regarding the petitioner's failure to establish essential elements of eligibility for this benefit. The petitioner's failure to specifically address the director's findings and present evidence and argument identifying the director's erroneous conclusions of law or statements of fact mandate the summary dismissal of the appeal. The evidence has been considered and has been found to be insufficient and inadequate to establish that the petitioner in this matter suffered battery or extreme cruelty perpetrated by her spouse and that she entered into the marriage in good faith.

Inasmuch as the petitioner does not identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

The petition will be denied for the stated reasons set out in the director's decision. 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.