

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



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



B9

DATE:

Office: VERMONT SERVICE CENTER

FILE: 

JUN 03 2011

IN RE:

Petitioner: 

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 \$630. 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 Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The petition remains 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.

The director denied the petition on March 30, 2010, determining that the petitioner had not established a qualifying relationship as a child of the claimed abusive United States citizen and had not established that he is eligible for immigrant classification under section 201(b)(2)(A)(i) of the Act. On appeal, counsel for the petitioner submits a Form I-290B, Notice of Appeal or Motion and checks the box indicating that a supplemental brief and/or additional evidence would be submitted to the AAO within 30 days. To date, neither a brief nor further evidence has been submitted. 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 director in this matter observed that the petitioner filed the petition after he had reached 21 but prior to turning 25. The director denied the petition, determining that the petitioner had not established that he had been subjected to battery or extreme cruelty and that he had not established that his delay in filing the Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, was connected to battery or extreme cruelty perpetrated by his United States citizen parent. On appeal, counsel for the petitioner asserts that the director's decision is in error.

We concur with the director's assessment of the relevant evidence. Counsel does not provide any further evidence or argument on appeal that overcomes the director's decision. Counsel fails to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding. Accordingly, the appeal must be summarily dismissed pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

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. The petition remains denied.