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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**



Bq

DATE: Office: VERMONT SERVICE CENTER

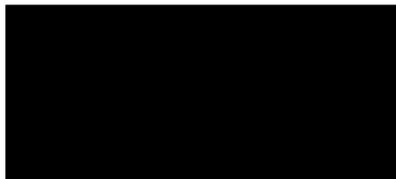
FILE:

JUN 22 2011

IN RE: Petitioner:

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 \$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 will remain denied.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(B(ii) 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 lawful permanent resident.

The petitioner is a native and citizen of Jamaica, who on March 5, 2010, filed a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. On July 28, 2010, the director denied the petition determining that the petitioner had not established that she had resided with the claimed abusive lawful permanent resident, had not established that she had been battered or subjected to extreme cruelty perpetrated by the lawful permanent resident, and had not established that she had entered into the marriage in good faith. The petitioner timely filed a Form I-290B, Notice of Appeal or Motion, and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. To date no further evidence or argument has been submitted. The record is considered complete.

On the Form I-290B, counsel for the petitioner asserts that the petitioner submitted sufficient documentation to establish the bona fides of the marriage and that she had been subjected to abuse perpetrated by the United States lawful permanent resident spouse.

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.”

We find no error in the director’s assessment and analysis of the relevant facts and law in this matter. As counsel for 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 appeal must be summarily dismissed. Counsel’s assertion on appeal is insufficient. Neither counsel nor the petitioner identifies 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 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. The petition remains denied.