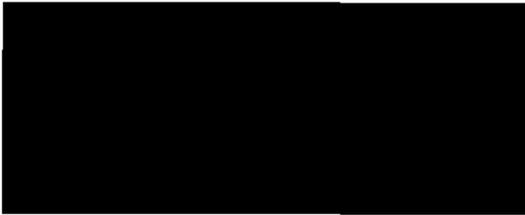


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



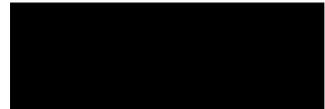
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Date:

DEC 24 2012

Office: VERMONT SERVICE CENTER

FILE:



IN RE:



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:

KARINE E. SOKPOE
SOKPOE LAW GROUP
10730 PACIFIC STREET, SUITE 35
OMAHA, NE 68144

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 AAO inappropriately applied the law 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 in accordance with the instructions on Form I-290B, Notice of Appeal or motion, with a fee of \$6.30, or a request for a fee waiver. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Vermont 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)(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.

The director denied the petition for failure to establish the requisite joint residence and battery or extreme cruelty. Specifically, the director explained how the relevant evidence indicated that the petitioner and her husband lived separately throughout their marriage and that while the petitioner's stated experiences may have been extremely difficult and stressful for the petitioner, she did not demonstrate that her husband subjected her to battery or extreme cruelty during their marriage.

On appeal, counsel submits a brief, a psychiatric evaluation, and three letters. In her brief, counsel summarizes the facts and explains that it is common for soldiers to be deployed and to marry on the eve of their deployment. The evidence submitted similarly summarizes the facts - that the petitioner's husband was deployed after their marriage, that she thought he was dead, and that her husband or someone pretending to be her husband later called her and asked for a divorce. The evidence submitted does not address whether she resided with her husband or show that he subjected her to battery or extreme cruelty.

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).

In this case, counsel fails to identify any specific, erroneous conclusion of law or statement of fact in the director's decision. Counsel's brief provides no legal or factual basis for the appeal, and the evidence submitted does not present any new facts. 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.