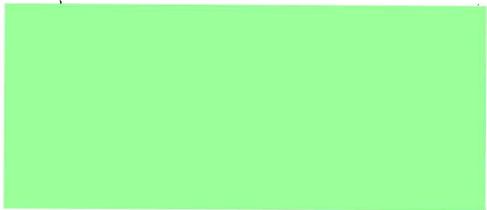


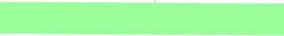


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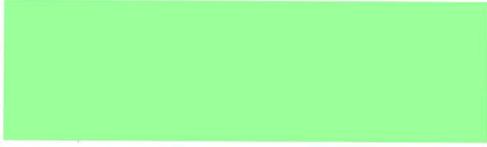


Date: **JAN 16 2013** Office: VERMONT SERVICE CENTER File: 

IN RE: Self-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 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 \$630, 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)(iv) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iv), as an alien child battered or subjected to extreme cruelty by his U.S. citizen parent.

The director denied the petition for failure to establish a qualifying relationship with a U.S. citizen parent, or that the petitioner is eligible for immigrant classification based on such a relationship, because the petitioner's father and former stepmother divorced before the petition was filed. The director further found that the petitioner had not established he had been subject to battery or extreme cruelty by his U.S. citizen parent.

On appeal, counsel submits a letter. In the letter counsel notes that the petitioner disagrees with the director's conclusion that he does not have a qualifying relationship with the alleged abuser. Counsel states that a divorce between the parent and stepparent does not automatically terminate the relationship between the stepparent and stepchild. Counsel concludes by requesting that the decision be reversed and remanded for the entry of a new decision.

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 cites to case law but does not provide a factual basis for the appeal. To remain eligible as a child under section 101(b)(1)(B) of the Act despite a divorce or legal termination of the marriage that created the stepparent/stepchild relationship, a petitioner must establish that a family relationship has continued to exist as a matter of fact between the stepparent and stepchild. *Matter of Mowrer*, 17 I&N Dec. 613 (BIA 1981). Counsel has provided no evidence that such a relationship continued to exist after the divorce. 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; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). The petitioner has not sustained that burden and the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.