



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: **JAN 17 2013**

Office: VERMONT SERVICE CENTER

IN RE:

Petitioner:

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:

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 its 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 motion 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 any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Jon Rosenberg

Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center (“the 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 overcome section 204(g) of the Act and establish that the petitioner entered into the qualifying relationship in good faith. On appeal, the petitioner submits a brief statement on the Form I-290B, Notice of Appeal or Motion that states the same facts as her personal declaration submitted below. She states that her previously submitted declaration should be sufficient to establish that she entered into marriage with her U.S. citizen husband in good faith and cites to *Vera-Villegas v. INS.*, 330 F.3d 1222 (9th Cir. 2003).

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, the petitioner fails to identify any specific, erroneous conclusion of law or statement of fact in the director’s decision dated December 8, 2011. The petitioner’s statement is a summary of facts already submitted below and one sentence asserting that her declaration should have been sufficient. She cites to a ninth circuit decision but does not make any legal argument to support that the holding in *Vera-Villegas v. INS* is applicable to her self-petition, or that the director made erroneous conclusions of law in his decision. The petitioner provides no new evidence on appeal. 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.