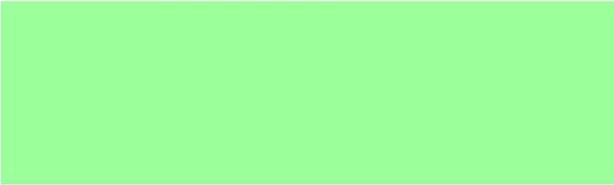




U.S. Citizenship
and Immigration
Services

(b)(6)



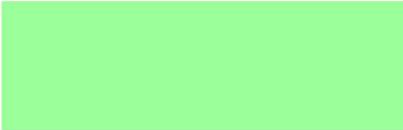
Date: **JUN 10 2013**

Office: VERMONT SERVICE CENTER File: 

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:

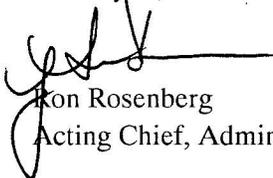


INSTRUCTIONS:

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 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,


Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center director (the “director”) denied the immigrant visa petition and affirmed his decision upon granting the petitioner’s motion to reopen and reconsider. 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)(B)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(B)(ii), as an alien battered or subjected to extreme cruelty by a lawful permanent resident of the United States.

The director denied the petition for failure to establish a qualifying relationship with a U.S. lawful permanent resident, her corresponding eligibility for immigrant relative classification, and that she was subjected to battery or extreme cruelty by her former husband during their marriage. On appeal, counsel submits a brief asserting that the petitioner’s previously filed self-petition was erroneously denied.

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 dated November 29, 2012. A review of the administrative record shows that the petitioner previously filed two Form I-360s which were denied. No subsequent appeals were filed for either self-petition. Counsel concedes that on the instant Form I-360, the petitioner failed to establish that she had a qualifying relationship as the spouse of a U.S. lawful permanent resident and is eligible for immigrant classification based upon that relationship but argues that the director applied an incorrect legal standard when adjudicating the petitioner’s second Form I-360. Counsel’s arguments regarding the petitioner’s second Form I-360 fail to overcome the director’s grounds for denial on the instant Form I-360 and no new evidence is submitted 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.