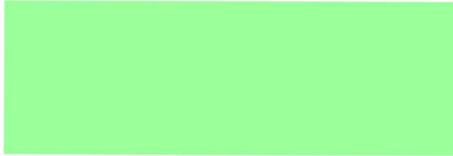


(b)(6)



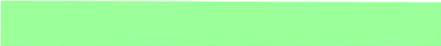
U.S. Citizenship  
and Immigration  
Services



Date: DEC 04 2014

Office: VERMONT SERVICE CENTER

FILE: 

IN RE: Self-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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Acting 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 because she determined that the petitioner did not establish that his U.S. citizen spouse, R-A-, subjected him to battery or extreme cruelty during the marriage.<sup>1</sup>

On appeal, the petitioner does not specifically address the director's decision, but instead suggests that the director overlooked a June 4, 2012 discharge notice relating to his hospitalization and resubmits it with his I-290B appeal form. However, in his decision the director acknowledged the petitioner's claims in his second affidavit to have been depressed and suicidal. The director also referenced the psychological evaluation the petitioner provided, which also specifically discusses the petitioner's depression and hospitalization for evaluation as a suicide risk. Accordingly, the director reviewed the petitioner's evidence regarding the hospitalization, but found that it did not establish that R-A- subjected the petitioner to battery or extreme cruelty within the meaning of 8 C.F.R. § 204.2(c)(1)(vi). On appeal, the petitioner also asserts that he will submit a written brief. As of the date of this decision, the AAO has not received any new evidence or a brief to specifically address the director's 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). As the petitioner has not identified any specific, erroneous conclusion of law or statement of fact in the director's decision, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010). Here, that burden has not been met.

**ORDER:** The appeal is summarily dismissed.

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<sup>1</sup> Name withheld to protect identity.