

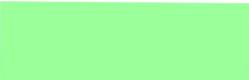


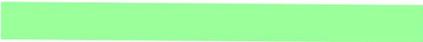
U.S. Citizenship  
and Immigration  
Services

(b)(6)



Date: **DEC 12 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:

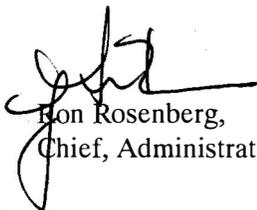


INSTRUCTIONS:

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,



Jon Rosenberg,  
Chief, Administrative Appeals Office

**DISCUSSION:** The Acting Director, Vermont Service Center (“acting 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 pursuant to 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 acting director denied the petition for failure to establish that the petitioner was subjected to battery or extreme cruelty by her husband during their marriage, that she resided with her husband during their marriage, and that she married him in good faith. The record shows the acting director’s decision was returned as undeliverable. On November 22, 2013, in an abundance of caution, counsel filed a timely appeal indicating that neither the petitioner nor counsel had received a copy of the decision.

On September 17, 2014, we issued a Request for Evidence (RFE). We enclosed a copy of the acting director’s decision and afforded the petitioner eight weeks, until November 12, 2014, to submit a brief and/or additional evidence in support of her appeal. We indicated that no extensions of time would be given and that a failure to timely respond to the RFE may result in the appeal being summarily dismissed. As of the date of this decision, we have received no response to the RFE. The appeal is summarily dismissed in accordance with 8 C.F.R. § 103.2(b)(13).

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). Here, that burden has not been met.

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