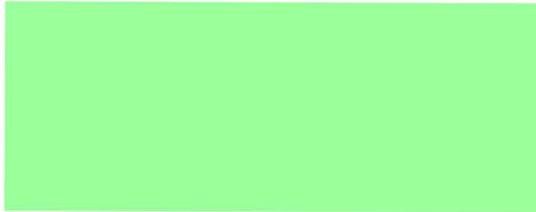




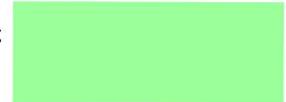
U.S. Citizenship
and Immigration
Services

(b)(6)

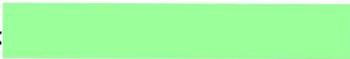


Date: **JUL 28 2014** Office: VERMONT SERVICE CENTER

FILE:

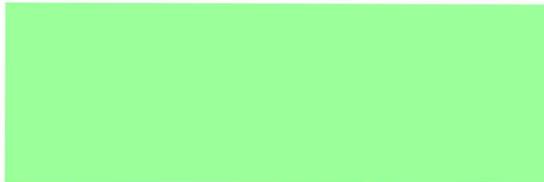


IN RE: Self-Petitioner:



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:

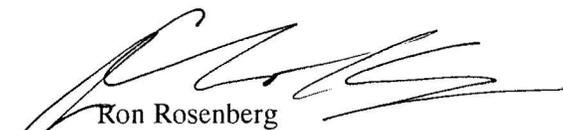


INSTRUCTIONS:

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,


Ron Rosenberg
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 her United States citizen spouse.

The director denied the petition on five grounds: 1) under section 204(c) of the Act because the petitioner entered a prior marriage for the primary purpose of evading the immigration laws; 2) under section 204(g) of the Act because she married her second spouse while she was in removal proceedings and she did not submit clear and convincing evidence that she entered her second marriage in good faith and not to procure immigrant status; 3) she was consequently ineligible for immediate relative classification based on her second marriage; 4) she did not show she entered her second marriage in good faith, as required under section 204(a)(1)(A)(iii)(I)(aa) of the Act; and 5) she did not establish that she resided with her second husband.

On the appeal notice, counsel asserts in a two-sentence statement that the director erroneously denied the petition and the petitioner meets the eligibility requirements. Counsel resubmits the petitioner’s previously filed evidence and a copy of the petitioner’s divorce decree from her prior marriage.

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 has not specifically addressed any of the grounds for the denial of the petition. Counsel submits a divorce decree from the petitioner’s prior marriage, but has not provided any evidence to show that the petitioner did not enter into that marriage for the purpose of evading the immigration laws. 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). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.