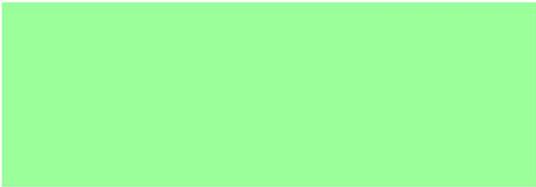


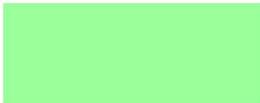
(b)(6)

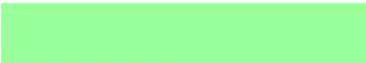


U.S. Citizenship  
and Immigration  
Services



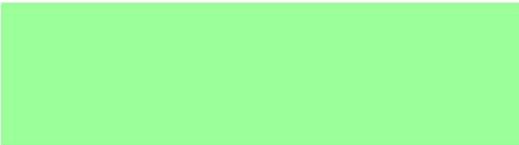
Date: **JUN 27 2014** Office: VERMONT SERVICE CENTER

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 Vermont Service Center 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 to establish a qualifying relationship with a U.S. citizen spouse. Specifically, the director explained how the relevant evidence indicated the petitioner's marriage to a U.S. citizen was not valid because she was still married to her first husband.

On appeal, counsel submits evidence that the petitioner's first husband lived in Ohio on the date that his father attempted to obtain a divorce for them by proxy in Ghana.

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. Counsel provides no legal or factual basis for the appeal. The domicile of the petitioner's first husband at the time his father tried to obtain a divorce for him and the petitioner by proxy in Ghana is irrelevant. As the director explained, the validity of a marriage for immigration purposes is determined by the law of the place in which the marriage was celebrated. *Matter of Hosseinian*, 19 I&N Dec. 453, 455 (BIA 1987). Where a spouse was previously divorced, the law of the state where the subsequent marriage occurred also governs the validity of the prior divorce for immigration purposes. *Id.* The petitioner married her U.S. citizen spouse in Connecticut, and as such, Connecticut law applies when determining whether the marriage was valid for immigration purposes. The divorce by proxy in Ghana is not legally valid under Connecticut law as neither the petitioner nor her husband were domiciled in Ghana at the time. *See Litvaitis v. Litvaitis*, 295 A.2d 519, 546 (Conn. 1972) (foreign divorce not recognized where neither party is actually domiciled in the foreign nation at the time of the divorce). Counsel has not submitted any evidence to show otherwise. 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.