



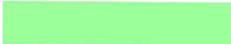
U.S. Citizenship
and Immigration
Services

(b)(6)



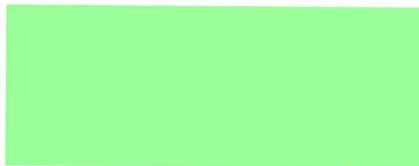
Date: **NOV 05 2014**

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:

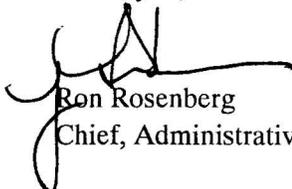


INSTRUCTIONS:

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 Acting Director, Vermont Service Center (“the director”), denied the immigrant visa petition. 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 U.S. citizen.

The director denied the petition for failure to establish that the petitioner resided with his spouse, married her in good faith, and was battered or subjected to extreme cruelty by her during their marriage.

On appeal, the petitioner asserts that the director’s decision was based on a “subjective and arbitrary review” of the evidence and that reexamination of the evidence in the record demonstrates the bona-fides of his marriage and the abuse he was subjected to by his wife. The petitioner states that he is unable to obtain police documents regarding his spouse and his response to the Request for Evidence (RFE) explained why he lacked joint documentation with his wife. The evidence submitted on appeal consists of copies of the documents already contained in the record.

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, the petitioner claims on appeal that the director had made a “subjective and arbitrary review” of the evidence and that the evidence in the record demonstrated the bona-fides of his marriage and the abusive behavior of his wife. The petitioner’s general statements on appeal do not identify any specific, erroneous conclusion of law or statement of fact in the director’s decision, and the petitioner has submitted no new evidence on appeal of the requisite abuse, joint residence, and good-faith entry into the marriage. Therefore, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The petitioner bears the burden of proof to establish his eligibility by a preponderance of the evidence. 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, 375 (AAO 2010). He has not met his burden and the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.