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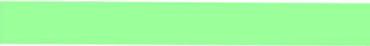


U.S. Citizenship  
and Immigration  
Services



Date: **NOV 07 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,

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

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Vermont Service Center director, (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 determined that the petitioner failed to demonstrate the existence of a qualifying relationship with a citizen of the United States and his corresponding eligibility for immediate relative classification on the basis of such a relationship because the petition was filed more than two years after he and his former spouse divorced. The director also determined that the petitioner had not established eligibility for the bona fide marriage exemption from the bar to approval at section 204(g) of the Act, that he entered into marriage with his former wife in good faith, and that she subjected him to battery or extreme cruelty during the marriage. In addition, the director determined that the petitioner failed to demonstrate that he was free to marry his former wife.

On the appeal notice, counsel briefly asserted that the director erred in finding that the petitioner was ineligible for relief based on the fact he was in removal proceedings at the time of his marriage. Counsel further stated that the director also erred in failing to account for equitable tolling in his determination that the petitioner did not timely file his Form I-360 self-petition. Counsel stated that he would submit a brief and/or additional evidence within 30 days of April 5, 2013. As of the date of this decision, we have not received any new evidence or a legal brief from counsel or the petitioner.

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). Counsel has not identified any specific, erroneous conclusion of law or statement of fact in the director's decision. Consequently, the appeal must be summarily dismissed.

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.