



U.S. Citizenship
and Immigration
Services

(b)(6)

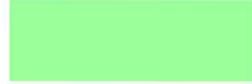


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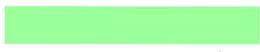
Office: VERMONT SERVICE CENTER

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, that he married his spouse in good faith, and that his spouse battered or subjected him to extreme cruelty during their marriage. Additionally, the director stated that the petitioner is subject to the section 204(c) of the Act, 8 U.S.C. § 1154(c), bar to the approval of his petition because he attempted to enter into marriage for the purpose of evading the immigration laws.

On appeal, the petitioner submits no brief or arguments regarding the director’s findings. On the Form I-290B, Notice of Appeal, the petitioner indicated that a brief and/or additional evidence would be submitted within 30 days. To date, the only additional evidence received on appeal consists of four undated letters; one from the petitioner’s spouse, two from the petitioner’s sisters, and one from a friend of the petitioner. The letter from the petitioner’s spouse is a copy of a letter already contained in the record which was submitted as part of the prior Form I-130 proceedings. The letters from the petitioner’s sisters and friends discuss in general terms the petitioner’s relationship with his wife. For instance, [REDACTED] states that “in the beginning they were really happy with each other [but] [a]s the time pass you could see they had their issues because [the petitioner’s wife] was a nightmare to be around” Similarly, although [REDACTED] refers to “a few get togethers and experiences” with the petitioner and his wife and a family dinner when the petitioner’s wife “seemed to be upset and had quite a bit of an attitude,” she provides no specific details about their relationship. Finally, [REDACTED] the petitioner’s friend, states that she has known the petitioner and his wife “since they started dating and throughout their marriage.” She further states that she was there when “they were happily married and when the problems started” and noted that the petitioner confided to her that the petitioner was made to “feel belittled, scared, hurt . . . [and] they were constantly fighting.”

The letters submitted on appeal consist of evidence already contained in the record and cumulative evidence of the petitioner’s claims below. The evidence does not address any of the director’s specific findings or point to any error on the part of the director. In fact, the evidence does not address the petitioner’s claimed residence with his wife and provides no new information regarding the claimed abuse and good-faith 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, the petitioner has submitted no further arguments or evidence to establish that the director’s decision was in error. As the petitioner failed to address the director’s grounds for denial and to identify 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).

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NON-PRECEDENT DECISION

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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.