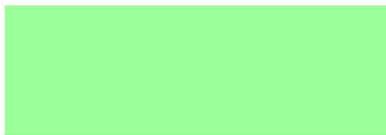


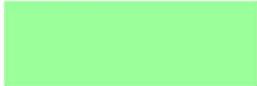


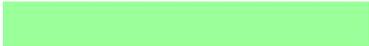
U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **SEP 05 2014**

Office: VERMONT SERVICE CENTER File: 

IN RE: Self-Petitioner: 

PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(B)(ii)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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 Acting 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 director denied the self-petition because the petitioner did not establish that she had a qualifying relationship as the spouse of a lawful permanent resident of the United States, and that she is eligible for immigrant classification based on that relationship. Specifically, the director found the petitioner failed to submit evidence of her spouse’s status as a lawful permanent resident of the United States. The director further indicated that U.S. Citizenship and Immigration Service (USCIS) records did not indicate his status as a citizen or a lawful permanent resident.

On appeal, the petitioner asserted that she has a qualifying relationship as the mother of a United States citizen child.

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 she has a qualifying relationship as the mother of a United States citizen child and that by birthright her child should reside and be educated in the United States. Section 204(a)(1) of the Act provides that a petitioner must be either the spouse of a United States citizen or a lawful permanent resident of the United States to qualify for benefits as an abused spouse.¹ The petitioner’s brief statement in the appeal notice does not identify any specific, erroneous conclusion of law or statement of fact in the director’s decision. The petitioner has submitted no evidence that her husband was a United States citizen or lawful permanent resident of the United States, and USCIS records do not verify her husband’s status. 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 her 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). She has not met her burden and the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ Section 204(a)(1)(A)(iii)(II) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II); Section 204(a)(1)(B)(ii)(II)(aa) of the Act, 8 U.S.C. § 1154(a)(1)(B)(ii)(II)(aa).