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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W. MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

Date: **SEP 18 2014**

Office: VERMONT SERVICE CENTER

File: [REDACTED]

IN RE: Petitioner: [REDACTED]

PETITION: Self-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:

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 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 self-petition because the petitioner failed to demonstrate that he had a qualifying relationship as the spouse of a citizen of the United States, and was eligible for immigrant classification based on that relationship. Specifically, the director found the petitioner failed to submit evidence of his spouse’s status as a citizen of the United States. The self-petition was also denied because the petitioner failed to establish that he was battered or subjected to extreme cruelty by his wife during their marriage.

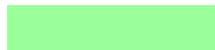
On appeal, the petitioner states that he was humiliated, controlled, isolated, and mistreated by his wife. The petitioner asserts that his wife’s actions constituted psychological abuse and that the director mischaracterized her behavior as “marital discord.” The petitioner contends that the director “did not apply the correct standard of evidentiary review” at section 204(a)(1)(J) of the Act,¹ and “unreasonably rejected credible evidence that [the petitioner] submitted as insufficient.” The petitioner also stated that he submitted in the record below a copy of his wife’s driver’s license and social security card because he could not obtain a copy of her birth certificate or passport.

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 “unreasonably rejected credible evidence.” The petitioner’s general statement in the appeal notice does not identify any specific, erroneous conclusion of law or statement of fact in the director’s decision. Additionally, the petitioner has submitted no evidence in support of his claim that his wife is a United States citizen. 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.² 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);

¹ Section 204(a)(1)(J) of the Act provides that U.S. Citizenship and Immigration Service (USCIS) “shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of [USCIS].”

² Section 204(a)(1)(A)(iii)(II)(aa)(AA) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(aa)(AA); Section 204(a)(1)(B)(ii)(II)(aa)(AA) of the Act, 8 U.S.C. § 1154(a)(1)(B)(ii)(II)(aa)(AA).



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.