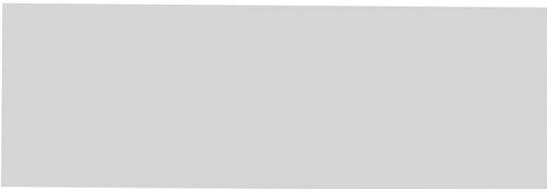




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: APR 24 2015

FILE #: [REDACTED]
PETITION RECEIPT #: [REDACTED]

IN RE: Petitioner: [REDACTED]

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:

NO REPRESENTATIVE OF RECORD

INSTRUCTIONS:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting Director of the 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 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 denied the petition for failure to establish a qualifying spousal relationship with a U.S. citizen, eligibility for immigrant classification based on that relationship, that he was battered or subjected to extreme cruelty by his spouse, and that he is a person of good moral character.

The petitioner was removed from the United States on November 14, 2013, at [REDACTED] Texas. With the Form I-290B, Notice of Appeal, timely filed on October 7, 2014, the petitioner submitted a statement in which he requests to return to the United States to collect additional evidence to demonstrate his eligibility under section 204(a)(1)(A)(iii) of the Act. He also asserts that the director failed to consider all of the facts of record. The petitioner does not, however, identify specific facts that were not considered. The petitioner does not identify any specific error of law or fact in the director's decision. The petitioner indicated that he would submit a brief and/or additional evidence within 30 days after the appeal was filed. To date, we have not received any further submissions.

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

Further, we do not have authority to grant the petitioner entry to the United States for purposes of procuring additional evidence. If the petitioner has additional evidence that he wishes us to consider, he may submit the evidence with a motion to reopen, following the instructions on the first page of this decision.

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.