



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **AUG 04 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:



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 Director of the Vermont Service Center (the director) denied the 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 spouse. The director denied the petition because the petitioner did not establish that she had a qualifying relationship with a U.S. citizen spouse because she was subject to section 204(g) of the Act, 8 U.S.C. § 1154(g).

At Part 3 of the appeal notice (Form I-290B), the petitioner indicated that a brief and/or additional evidence would be submitted within 30 days. In an attached statement to the Form I-290B, the petitioner stated that her appeal “will establish that [she] did enter into the marriage . . . in good faith and show, that based on the evidence presented, and new evidence to be presented, that the I-360 filing clearly and convincingly demonstrates that the marriage was entered into in good faith” The petitioner filed the appeal notice on March 17, 2015. As of the date of this decision, we have not received a brief or the new evidence that the petitioner stated would be forthcoming.

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 expresses her disagreement with the director’s decision by concluding that she has met her burden of establishing her good faith entry into her marriage by clear and convincing evidence; however, her conclusionary statements are unsupported by a brief and she has not submitted the new evidence referenced in her statement attached to the Form I-290B. As the petitioner has not identified any specific, erroneous conclusion of law or statement of fact in the director’s decision either through the filing of a brief or with new evidence, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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.