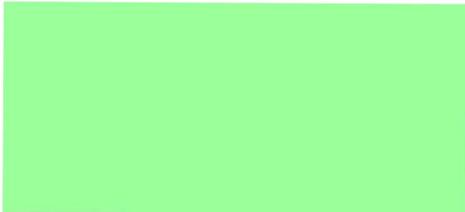


(b)(6)

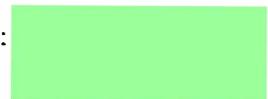


U.S. Citizenship
and Immigration
Services

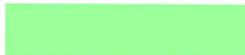


Date: **JAN 07 2015** Office: VERMONT SERVICE CENTER

FILE:

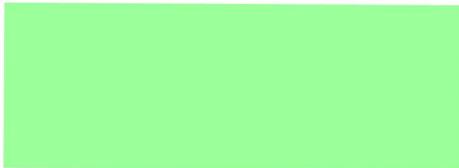


IN RE: Self-Petitioner:



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,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center acting director, (the director) revoked approval of the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed and approval of the petition will remain revoked.

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 revoked approval of the petition on the basis of her determination that the petitioner failed to establish that he had a qualifying relationship as the spouse of a U.S. citizen and was eligible for immediate relative classification based upon that relationship. The director further determined that the petitioner did not establish that he entered into marriage with his wife in good faith and that she subjected him to battery or extreme cruelty during their marriage.

On appeal, the petitioner submits a brief but does not specifically address the director's grounds for denial or identify any error in the director's decision. Instead, the petitioner asserts that under cancellation of removal under section 240A(b), he would suffer extreme hardship if removed to India. Whether the petitioner is eligible for special rule of cancellation for battered spouses under section 240A(b)(2)(A) of the Act is a determination that may be made by the Immigration Judge. We have no jurisdiction to determine a self-petitioner's eligibility for cancellation of removal in these immigrant visa petition proceedings under section 204(a) of the Act. The petitioner also requests a hearing on the revocation of the approval of his self-petition. U.S. Citizenship and Immigration Services has the sole authority to grant or deny a request for oral argument and will grant argument only in cases involving unique factors or issues of law that cannot be adequately addressed in writing. *See* 8 C.F.R. § 103.3(b). In this instance, the written record of proceeding fully represents the facts and issues in this matter, and there is no explanation why any facts or issues in this matter, whether novel or not, have not and cannot be adequately addressed in writing. Consequently, the request for oral argument is denied.

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. *See* 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 the appeal must be summarily dismissed.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. *See* Section 291 of the Act, 8 U.S.C. § 1361; *See Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.