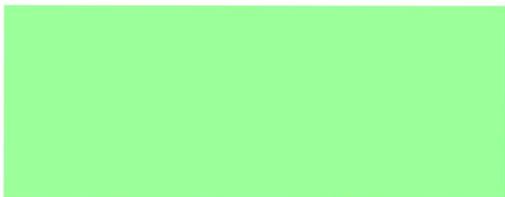


(b)(6)

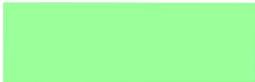
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



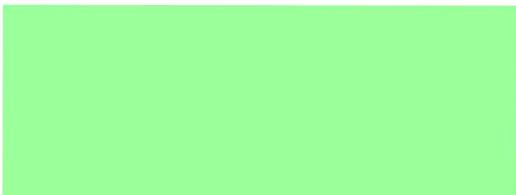
Date: **JAN 30 2015**

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)

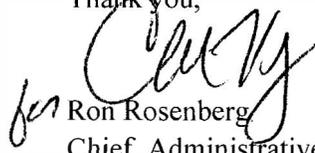
ON BEHALF OF PETITIONER:



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,


for 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 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 because the petitioner was divorced from his U.S. citizen spouse more than two years before he filed the instant self-petition and consequently, he could not establish that he had a qualifying relationship with his former wife under section 204(a)(1)(A)(iii)(II)(aa)(CC)(ccc) of the Act and is eligible for immediate relative classification based on such a relationship as required by section 204(a)(1)(A)(iii)(II)(cc) of the Act. The director also determined, without discussion, that the petitioner failed to establish that he resided with and was subjected to abuse by his former wife during their marriage, and that he married her in good faith.

We find no error in the director's determination. The petitioner had not established a qualifying relationship with his former wife because his marriage to her was terminated on March [REDACTED] and the instant Form I-360 self-petition was not filed until September 13, 2013, more than two years later.

On the appeal notice, counsel concedes that the director's determination is "technically correct" and briefly asserts that the instant Form I-360 self-petition should be considered filed on October 15, 2010, the date on which the petitioner filed a previous Form I-360 self-petition which was also denied and a subsequent appeal was dismissed. Counsel indicated that a brief and/or additional evidence would be submitted within 30 days of April 28, 2014. As of the date of this decision, we have not received any brief or additional evidence.

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). Counsel 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. 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.