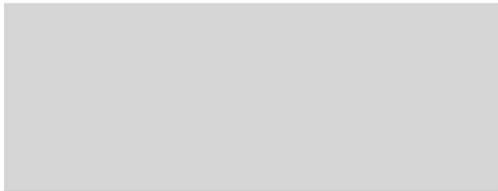


(b)(6)

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



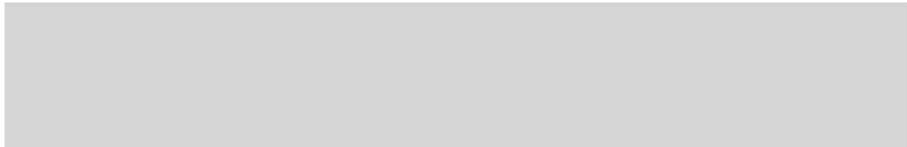
U.S. Citizenship
and Immigration
Services



DATE: **JUN 25 2015**



IN RE: 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 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

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

 Ron Rosenberg
Chief, Administrative Appeals Office

REV 3/2015

www.uscis.gov

DISCUSSION: The Acting Vermont Service Center 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 her United States citizen spouse.

The director denied the petition, determining that the petitioner did not demonstrate that her U.S. citizen spouse subjected her to battery or extreme cruelty, that she resided with her spouse, and that she entered into the marriage in good faith.

On appeal, the petitioner asserts that the previously submitted evidence establishes “without a doubt the validity of her claim for battered [s]pouse,” and resubmits some of her previously submitted evidence. She also asserts that the director incorrectly dismissed evidence in the form of affidavits, citing to *Bustos-Torres v. I.N.S.*, 898 F.2d 1053, 1055 (5th Cir. 1990). In that case, the Circuit Court found that a Form I-213, Record of Deportable Alien, is prima facie evidence of deportability. In the petitioner’s own case, the director considered the various affidavits and evidence that the petitioner submitted and provided the petitioner notice, in a July 29, 2013 Notice of Intent to Deny (“NOID”), that this information was not sufficient to establish eligibility.

In the final decision, the director advised the petitioner that the additional affidavit she provided in response to the NOID was not sufficient to establish her eligibility. Section 204(a)(1)(J) of the Act provides, in pertinent part, that the director shall consider any credible evidence relevant to the petition, but the determination of the weight to be given that evidence is with the sole discretion of the agency. Accordingly, the director did not fail to consider the affidavits under the any credible evidence standard, but instead found that the petitioner’s affidavits and other documentation were not sufficient to establish her eligibility for the requested classification. The petitioner’s brief otherwise fails to specifically address the reasons stated for the denial and to identify any erroneous conclusion of law or statement of fact on the part of the director.

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). As the petitioner has not identified any specific, erroneous conclusion of law or statement of fact in the director’s decision, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has not met that burden.

ORDER: The appeal is summarily dismissed.