



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **MAY 15 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, 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 that the petitioner had a qualifying spousal relationship with a U.S. citizen and was eligible for immediate relative classification based on that relationship. The director noted that the petitioner had previously claimed, on a U.S. State Department nonimmigrant visa application, that he was married before in Algeria, but did not submit evidence demonstrating that the prior marriage was terminated before his marriage to his intended U.S. citizen spouse. The director also found that the petitioner failed to establish that he was battered or subjected to extreme cruelty by his U.S. citizen spouse, entered into the marriage in good faith, and resided with her.

The petitioner indicated on the appeal notice (Form I-290B) that his brief and/or additional evidence was attached. With the Form I-290B, the petitioner submitted an Algerian “Bachelor Certificate” and translation containing a phrase that the petitioner has “not been married before.” The petitioner has not provided any statement explaining the evidence or the basis for his appeal, as required at Part 4 of the Form I-290B. The Bachelor Certificate, without further explanation, does not resolve any of the director’s five grounds for the denial of the instant self-petition.¹

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. Consequently, 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 ●tiende*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.

¹ The Bachelor Certificate, by itself, does not adequately document the termination of the petitioner’s first marriage in Algeria. The petitioner has not contested the director’s finding that on a prior nonimmigrant visa application, the petitioner claimed to be married.