



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF O-B-

DATE: OCT. 15, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-360, PETITION FOR AMERASIAN, WIDOW(ER), OR SPECIAL IMMIGRANT

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen. *See* Immigration and Nationality Act (the Act) § 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director, Vermont Service Center, denied the petition and affirmed her decision on a subsequent motion to reopen and reconsider. The matter is now before us on appeal. The appeal will be summarily dismissed.

The Director determined that section 204(c) of the Act barred approval of the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, because the Petitioner had previously entered into a marriage to a U.S. citizen for the purpose of evading U.S. immigration laws. The Director further held that the Petitioner had not established the requisite abuse by his current U.S. citizen spouse.

At Part 3 of the Form I-290B, Notice of Appeal or Motion, the Petitioner indicated that a brief and/or additional evidence would be submitted within 30 days of the filing of the appeal. The appeal notice was filed on January 7, 2015. As of the date of this decision, we have not received a brief or any additional evidence. In addition, Part 4 of the Form I-290B requires a petitioner to provide a basis for the appeal on a separate sheet of paper and the Petitioner did not submit this required 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). 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).

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); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Here, that burden has not been met.

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ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of O-B-*, ID# 14729 (AAO Oct. 15, 2015)