



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

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

MATTER OF K-H-S-

DATE: MAR. 16, 2016

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). Under the Violence Against Women Act (VAWA), an abused spouse may self-petition as an immediate relative rather than remain with or rely upon an abuser to secure immigration benefits.

The Director, Vermont Service Center, denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. The Director concluded that the Petitioner had not established that she had resided with her U.S. citizen spouse.

The matter is now before us on appeal. On appeal, the Petitioner claims that she will submit a brief and/or additional evidence within 30 days.

Upon *de novo* review, we will summarily dismiss the appeal.

I. APPLICABLE LAW

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).

II. RELEVANT FACTS AND PROCEDURAL HISTORY

The Petitioner indicates on the Form I-290B, Notice of Appeal or Motion, filed on October 6, 2015, that a brief and/or additional evidence will be submitted within 30 days. The Petitioner did not attach a statement to the Form I-290B specifying an erroneous conclusion of law or fact in the Director's denial, and as of the date of this decision, we have not received any new evidence or a brief specifically addressing the Director's decision.

III. ANALYSIS

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).

IV. CONCLUSION

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 pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of K-H-S-*, ID# 16519 (AAO Mar. 16, 2016)