



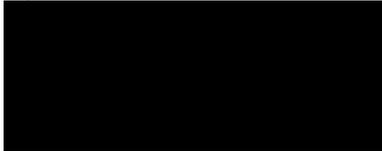
BOA

U.S. Department of Justice

Immigration and Naturalization Service

Some data deleted to prevent clearly unwarranted invasion of personal privacy

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



FILE: [Redacted]  
EAC 99 081 50107

Office: Vermont Service Center

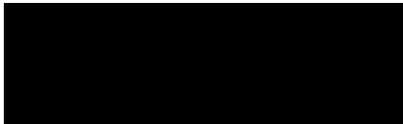
Date: AUG 22 2002

IN RE: Petitioner:  
Beneficiary:



APPLICATION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. 1154(a)(1)(A)(iii)

IN BEHALF OF PETITIONER:



Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*Robert P. Wiemann*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The approval of the preference visa petition was revoked by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Pakistan who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1154(a)(1)(A)(iii), as the battered spouse of a United States citizen.

The director revoked the approval of the visa petition after determining that the petitioner failed to establish that she entered into the marriage to the citizen in good faith.

On appeal, counsel asserts that the petitioner made a substantial showing of evidence in several forms that the petitioner entered into a good-faith marriage. He further asserts that the evidence submitted was beyond credible standard as required under the law, and that the director's intent to revoke the petition, in the presence of such evidence, is a mistake of law and facts, and is erroneous. Counsel states that the director's decision is based on error of fact and law which will be discussed and briefed along with additional evidence from Pakistan. While counsel states that this evidence will be provided within 60 days, it has been approximately 10 months since the filing of the appeal and no additional evidence has been provided.

Section 205 of the Act, 8 U.S.C. 1155, states, in pertinent part, that:

The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204. Such revocation shall be effective as of the date of approval of any such petition.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

*Summary dismissal.* 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.

Despite counsel's assertion on appeal, the record reflects that the director reviewed the evidence of record and determined that the evidence furnished by the petitioner to establish the existence of a good-faith marriage was insufficient, it contains several contradictions, and the petitioner's word alone did not have sufficient credibility to base a finding of a good-faith marriage. The director further determined that the affidavit executed by [REDACTED] and the wedding video do not hold much evidentiary weight, and the transcripts and briefs filed with the court do not establish that the petitioner entered into the marriage in good



faith as the court's final ruling upheld the finding that the petitioner entered into the marriage with the sole intention of obtaining an immigration benefit.

Furthermore, counsel failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Nor did he submit a brief and/or evidence within 60 days as stated on appeal. Accordingly, the appeal will be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.