

BA

U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE: [Redacted]
EAC 03 091 53678

Office: VERMONT SERVICE CENTER

Date: **AUG 16 2004**

IN RE: Petitioner:
Beneficiary:

[Redacted]

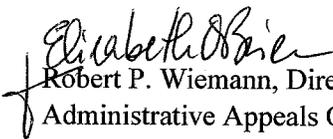
PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.


Robert P. Wiemann, Director
Administrative Appeals Office

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY

DISCUSSION: The preference visa petition was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Nigeria 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 acting director denied the petition, finding that the petitioner had failed to establish that he been battered or subjected to extreme cruelty by his United States citizen wife. The acting director further found that the petitioner had failed to establish that he entered into the marriage to the citizen in good faith. On appeal, the petitioner stated that the reason for his appeal was as follows:

I am appealing because I feel and I know I was mentally abused during the period of marriage. Abuse: is about control and power. In my marriage with my ex, I had no control whatsoever, all I had was love. I was manipulated and was subjected to mental anguish due to her position in the marriage. I lost my self-esteem during this marriage due to the position I was put in as a man. I feel I was used, abused and dumped.

The petitioner failed to specifically address the grounds for denial set forth in the decision of the director.

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

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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

Beyond the decision of the acting director, the petitioner failed to establish that he is a person of good moral character. See section 204(a)(1)(A)(iii)(II)(bb) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(bb). See also 8 C.F.R. § 204.2(c)(1)(i)(F). According to the evidence on the record, the petitioner was arrested by the New York Police Department on September 29, 1994 and was charged with criminal possession of a controlled substance. The record further indicates that the petitioner was arrested again on October 5, 1994 by the New York Police Department and by the Miami-Dade Police Department for an unspecified charge. The petitioner failed to submit final court dispositions for these charges. For this additional reason, the petition may not be approved.

ORDER: The appeal is dismissed.