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**U.S. Citizenship  
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B7c

FILE: [REDACTED]  
EAC 04 015 53870

Office: VERMONT SERVICE CENTER

Date: NOV 10 2005

IN RE: Petitioner: [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

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

The petitioner is a native and citizen of Colombia 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 record reflects that the petitioner married United States citizen [REDACTED] on December 21, 1999 in Manhattan, New York. The instant Form I-360 petition was filed by the petitioner on October 20, 2003. On August 5, 2004, the director requested further evidence to demonstrate that the petitioner resided with his spouse, that he was battered or subjected to extreme cruelty, that he entered into the marriage in good faith, and that he is a person of good moral character. The petitioner responded to the request for evidence on October 12, 2004. The director denied the petition after reviewing and discussing the evidence submitted by the petitioner, finding that the petitioner failed to establish that he has been battered or subjected to extreme cruelty by his citizen spouse. The petitioner filed a timely appeal, dated December 15, 2004.

On the Form I-290B, Notice of Appeal, the petitioner indicates that he needs an additional 30 days to submit a brief and/or evidence to the AAO. To date, more than ten months after the appeal was filed, no further evidence has been submitted. The record, therefore, is considered complete as it now stands.

The petitioner states the following in support of his appeal:

I will be requesting records from the hospital, in which in [sic] one occasion my wife became violent and hit me with an empty beer bottle and I needed stiches [sic] in my head.

I will request the records and look for some other documents that I might have.

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.

In this instance, the petitioner has failed to address the director's ground for denial and has failed to specifically identify an erroneous conclusion of law or a statement of fact in this proceeding. The petitioner's general statements are not sufficient to meet the requirement of the regulation.

Even if the petitioner had submitted additional evidence on appeal, such evidence would not be considered pursuant to *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988) and *Matter of Obaighena*, 19 I&N Dec. 533 (BIA 1988). As the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it for the record before the visa petition was adjudicated, his submission of the requested evidence on appeal would not overcome his failure to submit such evidence when originally requested.

Inasmuch as the petitioner has failed to specifically identify any erroneous conclusion of law or statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

**ORDER:** The appeal is dismissed.