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U.S. Citizenship
and Immigration
Services

B9

[Redacted]

FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: NOV 18 2005
EAC 03 056 52015

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:

[Redacted]

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.

Mari Johnson

Σ Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Acting Director, Vermont Service Center, denied the preference visa petition on March 9, 2004. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of the Dominican Republic 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 denied the petition, finding that a determination as to the petitioner's eligibility could not be made based upon the evidence on the record, and that the petitioner had failed to respond to a request for additional evidence (RFE) within sixty days. On appeal, the petitioner submits additional evidence and requests a de novo review.

The record of proceedings indicates that the petitioner wed U.S. citizen [REDACTED] on October 20, 1995 in Brooklyn, New York. The petitioner's citizen spouse filed a Form I-130 petition on her behalf on March 12, 1997, which was subsequently denied due to abandonment. The petitioner filed a Form I-485 concurrently with the Form I-130. On February 21, 2001, the district director denied the Form I-485 due to abandonment. On December 10, 2002, the petitioner filed a self-petition, claiming eligibility as a special immigrant alien who has been battered by, or has been the subject of extreme cruelty perpetrated by, her U.S. citizen spouse during their marriage.

Because the evidence was insufficient to establish that the petitioner had been abused or the subject of extreme cruelty by her citizen spouse, that she had resided with her spouse, is a person of good moral character and entered into the marriage in good faith, on August 21, 2003, the director requested the petitioner to submit additional evidence (RFE) within 60 days of the RFE. The petitioner failed to respond to the RFE within 60 days of the notice. On appeal and more than six months from the date of the RFE, the petitioner submits additional evidence.

The petitioner was put on notice of required evidence and given a reasonable opportunity to provide it for the record before the visa petition was adjudicated. The petitioner failed to submit the requested evidence and now submits it on appeal. However, the AAO will not consider this evidence for any purpose. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaighbena*, 19 I&N Dec. 533 (BIA 1988).

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director. Instead, she stated that she was providing evidence of being abused by her spouse prior to his abandonment of the marital home shared in good faith during marriage.

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.

ORDER: The appeal is dismissed.