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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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B9



FILE:



Office: VERMONT SERVICE CENTER

Date:

JAN 11 2006

EAC 04 050 52657

IN RE:

Petitioner:



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 on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Jamaica 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.

According to the information contained in the record, the petitioner wed United States [REDACTED] in Bronx, New York on April 9, 1997. On May 23, 2001, the petitioner's spouse filed a Form I-130 in the petitioner's behalf. The petitioner concurrently filed a Form I-485 application on that same date. The Form I-130 petition and the Form I-485 application were denied on September 7, 2003. The petitioner filed the instant Form I-360 self-petition on December 9, 2003, claiming eligibility as a special immigrant alien who has been battered by, or has been the subject of extreme cruelty perpetrated by, her citizen spouse during their marriage.

On August 27, 2004, the director requested the petitioner to submit additional evidence to establish that she had a qualifying marriage as the spouse of a United States citizen, that she resided with her spouse, that she has been subjected to battery and/or extreme mental cruelty, that she married her spouse in good faith, and that she is a person of good moral character.

On October 27, 2004, the petitioner requested additional time to respond to the director's request for evidence. The director granted the petitioner's request on December 30, 2004. On March 3, 2005, the petitioner again requested additional time. On March 19, 2005, the petitioner submitted a copy of her spouse's birth certificate, a copy of a life insurance form, and information from the petitioner's employer indicating that she is married to [REDACTED]

The director denied the petition on May 13, 2005 finding that the petitioner failed to establish that she has been battered and/or subjected to extreme cruelty and that she is a person of good moral character.

The petitioner filed a timely appeal dated June 14, 2005. The Form I-290B indicates the following as the reason for the appeal:

My case had not been acted upon following the "BIWPA" statutes enacted 10/28/00 for the mental, emotional, sexual, financial, psychological manipulations, exerted in my every day living by [REDACTED] since after the civil marriage to the date of his abandonment of the marital home forced by the circumstances detailed in my application I-360, without much attention paid by the INS-Examiner in the Vermont Service Center. I had a cultural block that impeded my crystal clear information of each and every actions [sic] by [REDACTED] affecting my whole human dignity, sense of moral ethics, and welfare. The good moral character factor was only a forgotten item by me. I had never been prosecuted in the United States or elsewhere for a wrong-doing; not even for a traffic violation. I have not arrests for driving or drinking in public. I have not [sic] record of domestic offenses. Never required a protection order. My spouse was never physically abusive. He was making threats and being manipulative in other respects.

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.

The petitioner's general statements that the director adjudicated the petition "without much attention paid" or that the "good moral character factor was only a forgotten item by me" do not specifically identify any erroneous conclusion of law or statement of fact as a basis for the appeal. Accordingly, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.