U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

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JAN 18 2005

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:
EAC 02 276 53831

IN RE: Petitioner: [redacted]
Beneficiary

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.

Marie Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

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 Denmark 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 the petitioner had failed to establish that she married her spouse in good faith, that she had been battered by or subjected to extreme cruelty perpetrated by her United States citizen spouse, or that she is a person of good moral character for immigration purposes. On appeal, the petitioner indicated that she would submit additional information previously requested within thirty days of filing the appeal. The petitioner submitted additional evidence on appeal.

The record of proceedings indicates that the petitioner initially entered the United States with a visa waiver on July 17, 2000. The petitioner wed [redacted] U.S. citizen, on July 21, 2000 in Fayetteville, North Carolina. The petitioner's spouse filed a Form I-130 petition on the petitioner's behalf on October 16, 2000. Action on the Form I-130 was terminated on February 27, 2002 due to abandonment. On August 30, 2002, the petitioner filed a Form I-360 petition claiming eligibility as the battered spouse of a U.S. citizen. The director issued a request for additional evidence to the petitioner and a subsequent notice of intent to deny the petition. 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 Obaigbena*, 19 I&N Dec. 533 (BIA 1988).

On appeal, the petitioner failed to state any reason for the appeal. She merely indicated that she would submit previously requested evidence on appeal. The petitioner failed to address specifically 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.

ORDER: The appeal is dismissed.