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

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FILE: [REDACTED]
EAC 02 089 53397

Office: VERMONT SERVICE CENTER

Date: JUL 22 2005

IN RE: Petitioner: [REDACTED]
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

DISCUSSION: The preference visa petition was denied by the Acting Director (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 Honduras 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 he is a person of good moral character. The director also determined that the petitioner failed to establish that he has a qualifying relationship as the spouse of a United States citizen or permanent resident¹, that he entered into his marriage in good faith, and that he has been battered by or has been the subject of extreme mental cruelty by his spouse.

On appeal, the petitioner stated that the reason for his appeal was as follows:

As embarrassing as it is I am again appealing your denial of my I-360 on the grounds that I requested such relief because your office is given us this opportunity. It is very hard to prove the abuse because when one enters into a relationship little to we expect that there is going to be problems. Also if everything would be planned photos will be taken of the abuse and so forth. But I was not prepared for any of this and I exposed my child to that kind of cruelty. I feel I have complied with all of your requirements one because I submitted copies of an I-130 petition that she filed for me and it included my marriage certificate. (This proved she filed for me and my child with all good intention) and said petition was based to my relationship with her who is a US citizen and we all resided together at the same address as a family. This of course included my child. I was constantly mentally abused and my child suffered the consequences as he could not sleep and his school performance was so low do [due] to his nerves and worries. I married her not with the intention of legalizing my status but for love. It was her idea to legalize me so I could get a better job and give her a better standard of living. She is used to expensive clothing and good living and I could not afford her. This is when my problems began because it is very hard to get a good job without proper documentation. I also fear that in one of those verbal attacks I could loose [sic] my temper (because I am a man and human and have dignity) I we could both get hurt and I did not want to go to jail. How can you prove cruelty, abuse on paper? I think that Department of Homeland Security must have similar cases and since you set this Law you must agree with me that abuse is hard to prove. Is one's word again another. Please reconsider and since many years have pass since our separation I do not have any further proofs but my word and God that saw everything. This goes for my son also who suffered the [consequences] as I had to change

¹ We note that the record contains the approved Form I-130 petition submitted by the petitioner's spouse on behalf of the petitioner. As part of that petition, the petitioner's spouse submitted a copy of their marriage certificate and a copy of her United States passport. Thus, at the time of filing the instant petition, the record contained sufficient evidence that the petitioner had a qualifying marriage as the spouse of a United States citizen. Accordingly, the portion of the director's denial that was based on the lack of evidence related to the petitioner's qualifying relationship was in error and hereby withdrawn.

him to another school and at times he had to stay with other relatives to escape her anger when there was a discussion. I have witnesses but some do not want to get involved because they are her friends also and recently she brought me the divorce papers and there was another discussion that now I am hiding from her.

Although the petitioner provides a lengthy statement, he fails to address all of the grounds for denial set forth in the decision of the director. Most notably, the petitioner does not address the director's findings related to his good moral character. Moreover, the petitioner fails to allege that the director made any erroneous conclusion of law or statement of fact.

No additional documentation related to the petitioner's good moral character, good faith marriage, or purported abuse has been submitted on appeal.

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 address all of the grounds for denial and 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.