U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

B9

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: NOV 18 2005

EAC 03 162 52654

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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

[redacted]

DISCUSSION: The Acting Director, Vermont Service Center, denied the preference visa petition on September 2, 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 stated that she was unable to respond to the RFE within sixty days and asks Citizenship and Immigration Service (CIS) to accept her late submission.

The record of proceedings indicates that the petitioner initially entered the United States on April 25, 1993, as a J-1 fiancée of [redacted] The record indicates that she wed U.S. citizen [redacted] on November 15, 1993 in Bronx, News York. The petitioner's citizen spouse filed a Form I-130 petition on her behalf on October 13, 1994, which was subsequently approved. The petitioner filed a Form I-485 on October 1, 1996. On May 3, 2003, 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 and entered into the marriage in good faith, on April 13, 2004, the director requested the petitioner to submit additional evidence. The petitioner failed to respond to the request for additional evidence. On appeal, the petitioner states that she was unable to obtain translations of her witness statements in a timely fashion.

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).

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.