



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
EAC 04 075 53429

Office: VERMONT SERVICE CENTER

Date: **AUG 31 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 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 Russia 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 after determining that the petitioner failed to establish she is a person of good moral character and that she entered into the marriage with her citizen spouse in good faith.

On appeal, the petitioner states that the “marriage was a bona fide marriage!” [Emphasis in the original.] The petitioner also submits two letters from individuals who state that the petitioner’s marriage to her spouse was “true” and “real.” However, the petitioner fails to address the issue of her good moral character and also fails to allege that the director made any erroneous conclusion of law or statement of fact. No documentation related to the petitioner’s good moral character 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 has failed to specifically identify an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.<sup>1</sup>

**ORDER:** The appeal is dismissed.

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<sup>1</sup> We note that even if the petitioner had submitted evidence in regard to her good moral character, such evidence, as well as the evidence related to the bona fides of the petitioner’s marriage would not be considered on appeal pursuant to *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988) and *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988). As the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it for the record before the visa petition was adjudicated, the petitioner’s submission of the requested evidence on appeal does not overcome her failure to submit such evidence when requested. Further, even if considered on appeal, the letters provided by the petitioner provide no details about petitioner’s courtship or other descriptions of how the petitioner met her spouse. Accordingly, they would be deemed insufficient to establish the petitioner’s bona fide intentions at the time she entered into the qualifying marriage.