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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
EAC 04 114 53475

Office: VERMONT SERVICE CENTER

Date: FEB 02 2006

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The special immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks 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 an alien subjected to battery or extreme cruelty by her United States citizen spouse. The director denied the petition because the record failed to establish that the petitioner was a person of good moral character and entered into her marriage with her U.S. citizen spouse in good faith. The petitioner timely filed her appeal on June 15, 2005. With her Form I-290B, the petitioner submitted a letter requesting 60 days to submit a brief and/or evidence. As of this date, over seven months later, the AAO has received nothing further from the petitioner.

Before denying the petition, the director granted the petitioner two opportunities to submit evidence that she was a person of good moral character and that she entered into her marriage in good faith. On October 27, 2004 and again on December 21, 2004, the director issued notices requesting the petitioner to submit such evidence. These notices listed the specific types of documents that the petitioner could submit to establish her good moral character and her good faith entry into her marriage. In response, the petitioner submitted letters from [REDACTED] and her brother which briefly state that the petitioner married her husband in good faith and with good intentions. These statements were uncorroborated by any other evidence in the record. The petitioner submitted no evidence of her good moral character in response to the director's requests.

On appeal, the petitioner submits a letter from her friend, [REDACTED] who states that she has known the petitioner since the petitioner was a high school student and that to her knowledge, the petitioner has never been arrested or imprisoned. Ms. [REDACTED] states that she is happy to vouch for the petitioner's good moral character. This letter is insufficient to establish the petitioner's good moral character.

The regulation at 8 C.F.R. § 204.2(c)(2)(v) states:

Good moral character. Primary evidence of the self-petitioner's good moral character is the self-petitioner's affidavit. The affidavit should be accompanied by a local police clearance or a state-issued criminal background check from each locality or state in the United States where the self-petitioner has resided for six or more months during the 3-year period immediately preceding the filing of the self-petition. Self-petitioners who lived outside of the United States during this time should submit a police clearance, criminal background check, or similar report issued by the appropriate authority in each foreign country in which he or she resided for six or more months during the 3-year period immediately preceding the filing of the self-petition. If police clearances, criminal background checks, or similar reports are not available for some or all locations, the self-petitioner may include an explanation and submit other evidence with his or her affidavit. The Service will consider other credible evidence of good moral character, such as affidavits from responsible persons who can knowledgeably attest to the self-petitioner's good moral character.

Despite being twice informed of these evidentiary requirements by the director's notices, the petitioner did not submit her own statement regarding her good moral character or any local police clearances or state-issued criminal background checks. Letters such as that of Ms. [REDACTED] can only be considered when the petitioner demonstrates that such clearances or checks are unavailable. On appeal, the petitioner does not explain that such clearances or checks are unavailable for the areas in which she has lived in California.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The petitioner has failed to submit a brief and additional evidence as she previously indicated. On appeal, the petitioner identifies no specific error of law or fact in the director's decision. The letter of Ms. [REDACTED] submitted on appeal does not establish the petitioner's good moral character or good faith entry into her marriage. The appeal must therefore be summarily dismissed. This decision is rendered without prejudice to the filing of a new petition under section 204(a)(1)(A)(iii) of the Act with the requisite supporting evidence and filing fee or a documented request for a fee waiver.

ORDER: The appeal is dismissed.