



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
EAC 05 221 50376

Office: VERMONT SERVICE CENTER Date **MAY 12 2008**

IN RE:

Petitioner: [REDACTED]

PETITION: Petition for Immigrant Abused 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.

Laura Deadnek
for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The 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 summarily dismissed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n 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.”

The petitioner filed the instant Form I-360 petition on July 27, 2005. On October 3, 2005, the director issued a Request for Evidence (RFE). The petitioner timely responded. On March 14, 2006, the director issued a Notice of Intent to Deny (NOID) the petition for failure to establish that the petitioner had been battered or subjected to extreme cruelty by his spouse during their marriage. The petitioner failed to respond. The director denied the petition on August 23, 2006, finding that the petitioner failed to establish that he was battered or subjected to extreme cruelty by his citizen spouse. The petitioner timely appealed. On the Form I-290B, the petitioner claims that he did not receive the NOID and was unaware of the director’s request until he received the August 23, 2006 denial letter.

Concurrent with the appeal, the petitioner submitted a completed Form AR-11, dated September 6, 2006, advising Citizenship and Immigration Service (CIS) of his new address. The petitioner referred to his new address listed on the completed Form AR-11 as evidence that he did not receive the NOID. The petitioner did not explain how he received the denial letter dated August 23, 2006, yet did not receive the NOID that was previously mailed to the same address. Accordingly, we find that the NOID was properly sent to the petitioner’s last known address of record.¹ There is no evidence in the file that the NOID was returned as undeliverable, and no other change of address was reported by the petitioner other than the change of address dated September 6, 2006, submitted with this appeal.

As the petitioner has failed to specifically identify an erroneous conclusion of law or statement of fact, in the director’s decision to deny his petition, the regulation mandates the summary dismissal of the appeal.

ORDER: The appeal is dismissed.

¹ See 8 C.F.R. § 103.5a(a)(1). Routine service consists of mailing a copy by ordinary mail addressed to a person at his last known address.