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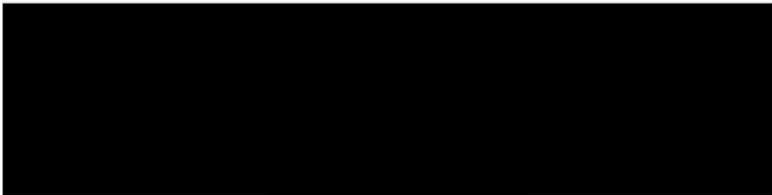
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
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FILE: [Redacted]
EAC 07-136-50495

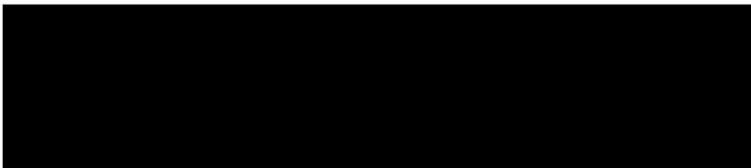
Office: VERMONT SERVICE CENTER

Date: APR 01 2009

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)

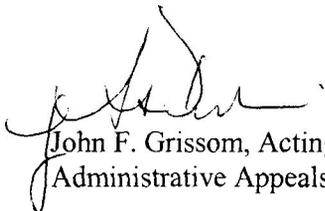
ON BEHALF OF PETITIONER:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition, and the matter 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 having been battered or subjected to extreme cruelty by his U.S. citizen spouse. The director denied the petition finding that the petitioner failed to establish that he had been battered or subjected to extreme cruelty by his spouse during their marriage. The petitioner, through counsel, submits a timely appeal.

On the Form I-290B, Notice of Appeal, filed on August 31, 2007, counsel claims that the director's decision was wrong and that the petitioner has submitted the required evidence to demonstrate his eligibility; in his brief, counsel reiterates these claims and copies the law and regulations. On appeal counsel also submits four additional affidavits "explaining in detail with date, places and events of the battery and extreme cruelty" the petitioner was subjected to by his spouse; and a letter from the owner of a restaurant claiming that he was told by his managers numerous times that the petitioner's wife had created disturbances by yelling and making scenes in the dining room.

The affidavits submitted on appeal are not credible and cannot be considered as additional evidence of abuse. They contain exact duplicate language and include two different names for the woman who is allegedly the petitioner's abusive spouse. It is not possible that the four affiants provided duplicate language, including the same erroneous name, and it cannot be determined who provided the information. The letter does not refer to any abuse, does not allege personal knowledge, and has no relevance to the issue on appeal. Given these limitations in the documents submitted, they cannot be considered to comprise additional relevant evidence.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) prescribes that 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. Counsel here has not specifically addressed the stated reason for denial, has not provided any additional relevant evidence and did not identify any erroneous conclusion of law or statement of fact. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.