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U.S. Citizenship
and Immigration
Services

B9

FILE: [REDACTED]
EAC 07-078-50781

Office: VERMONT SERVICE CENTER

Date: FEB 24 2009

IN RE: Petitioner: [REDACTED]

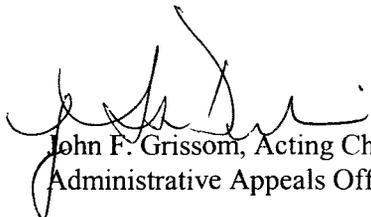
PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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 the battered spouse of a U.S. citizen. The director denied the petition because the petitioner did not establish that she is eligible for immigrant classification under section 201(b)(2)(A)(i) of the Act, 8 U.S.C. § 1151(b)(2)(A)(i); had resided with the U.S. citizen spouse; had been battered or been subjected to extreme cruelty by her U.S. citizen spouse; or had entered into the qualifying relationship in good faith. The director considered all of the evidence submitted and found multiple inconsistencies in the record as well as lack of evidence in support of the petitioner's claim.

The petitioner submits a timely appeal.

On the Form I-290B, Notice of Appeal, filed on August 22, 2008, counsel claims that the director's decision "is arbitrary, capricious, against the weight of the evidence, and constitutes an abuse of discretion. . . . that the Vermont Service Center failed to adequately consider the significance of the documents that were presented." Counsel noted specifically that adequate weight was not given to the order of protection and its meaning. Counsel also suggested "that the documents presented establish a case that the marriage of the subject to U.S. citizen husband was a bona fide [sic]." In support of the appeal, counsel submitted his own statement in a cover letter, copies of documents previously submitted and considered by the director and a copy of a "Summons and Complaint" filed by counsel on behalf of the petitioner in an action for divorce. No additional evidence was submitted, and the multiple inconsistencies in the record, noted by the director, were not addressed.

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 reasons 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.