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U.S. Citizenship
and Immigration
Services

B9

FILE: [REDACTED]
EAC 06-112-50119

Office: VERMONT SERVICE CENTER

Date: MAR 17 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:

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.

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 summarily 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 her U.S. citizen spouse. She filed the instant Form I-360 Petition on March 6, 2006. The director denied the petition on June 4, 2007, finding that the petitioner failed to establish that she was battered or subjected to extreme cruelty by her spouse. The petitioner filed a timely appeal on July 2, 2007.

On the Form I-290B, Notice of Appeal or Motion, the petitioner asserts that the director erred in failing to consider each piece of evidence submitted and in failing to analyze the evidence collectively. Also on the Form I-290B, received on July 2, 2007, the petitioner indicated that her brief and/or additional evidence would be submitted to the AAO within 30 days. However no additional evidence or brief has been received. The regulation at 8 C.F.R. § 103.3(a)(2)(viii) and the instructions to Form I-290B require the affected party to submit the brief or evidence directly to the AAO. Given the absence of a brief or additional evidence which may be considered by the AAO, and the petitioner's failure to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

Regarding the petitioner's assertion that the director erred in failing to consider all of the evidence submitted, the AAO notes that the director provided a reasoned decision based on the evidence in the record, while acknowledging that the director did not refer to each relevant item. Specifically, the director did not include any reference to photographs submitted by the petitioner as evidence of bruises suffered during an altercation with her husband in October 2005 or the fact that she filed a restraining order against her husband in February 2006. However, in a Request for Evidence issued on July 26, 2006 and in a Notice of Intent to Deny issued on December 10, 2006, the director incorporated the evidence of record by reference to the petitioner's detailed statement regarding all incidents of alleged abuse and the affidavits of acquaintances. On appeal the petitioner did not identify specifically any error in the director's decision, did not provide any additional evidence or address the director's reasons for denying the petition.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed 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 specifically identify any erroneous conclusion of law or statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.