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U. S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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MAR 26 2009

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date:
EAC 06-097-51174

IN RE: Petitioner: [REDACTED]

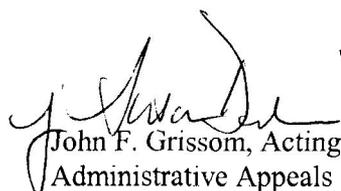
PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the
Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:
[REDACTED]

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 February 10, 2006. The director denied the petition on June 18, 2007, finding that the petitioner failed to establish that she had resided with her spouse, had been battered or subjected to extreme cruelty by her spouse, or was a person of good moral character. The petitioner filed a timely appeal on July 20, 2007.

On the Form I-290B, Notice of Appeal or Motion, the petitioner, through counsel, asserts that the director's decision "ignores the evidence presented and goes against the great weight of evidence." The inconsistencies in the case are minor and not material and additional evidence will be submitted within 30 days. **Approximately** ten months later, counsel submitted additional documents: Two letters from [REDACTED] Staff Psychiatrist at Bayview Center for Mental Health in Miami, dated February 28, 2008 and May 13, 2008, respectively; a copy of a telephone bill dated April 21, 2008 addressed to the petitioner's husband at an address where the petitioner claimed to have resided in 2001 and 2002; and a video labeled "Our Wedding" which shows a wedding photograph and invitation. The letters from [REDACTED] state that the petitioner was diagnosed with Major Depressive Disorder, is on psychotropic medication and that an evaluation conducted by a different doctor, Dr. [REDACTED] in September 2007 "reveals that she was abused by her former husband [sic] and subsequent notes reveal that she has immigration problems and fears being deported, which causes her anxiety." The documents submitted on appeal do not address the bases for the denial or address the inconsistencies in the record noted by the director; they fail to provide any evidence of joint residence, acts of battery or extreme cruelty by the petitioner's husband or whether the petitioner is a person of good moral character. The petitioner did not identify specifically any error in the director's decision or discuss how the evidence submitted on appeal addresses 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 address the bases for denial and 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.