

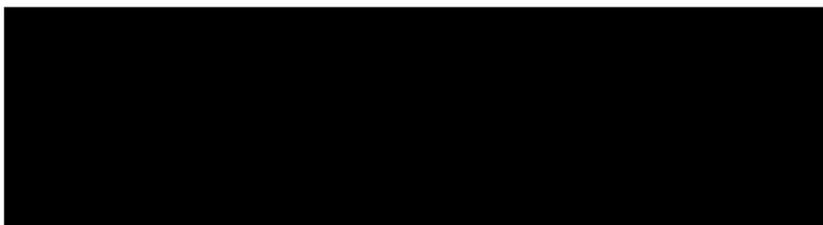
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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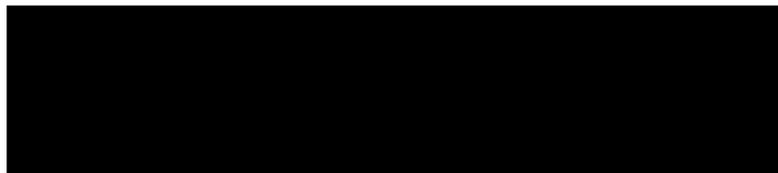
B9

FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: **MAR 31 2011**

IN RE: [Redacted]

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

ON BEHALF OF PETITIONER:

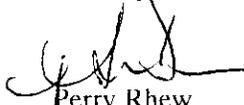


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 the \$630 fee. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Vermont Service Center director (“the director”) 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 an immigrant pursuant to section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(B)(ii), as an alien battered or subjected to extreme cruelty by her United States lawful permanent resident spouse.

The director denied the petition on February 17, 2010, finding that the petitioner failed to establish the requisite qualifying relationship and eligibility based upon that relationship, joint residence, abuse, and good-faith entry into the marriage. The petitioner, through counsel, filed a timely appeal on March 19, 2010.

On the I-290B, Notice of Appeal or Motion, counsel states, in part, that the petitioner’s U.S. citizen spouse destroyed much of the requested evidence, that the petitioner has produced sufficient evidence to warrant a favorable decision, and that the abuser’s legal status may be verified electronically by U.S. Citizenship and Immigration Services (USCIS). Counsel also states that additional evidence will be forthcoming in 30 days.

On April 16, 2010, additional evidence was received by the AAO office that addresses only the issue of the alleged abuse. Specifically, counsel submitted the following supporting documentation: two affidavits from the petitioner’s friend, [REDACTED] addressing the issue of the alleged abuse; proof of the dissolution of the petitioner’s prior marriage to [REDACTED] on February 23, 1996; and copies of documentation already in the record. It is noted that while counsel asserts that USCIS may electronically verify the abuser’s legal status, the director specifically notified the petitioner in his September 14, 2009 Request for Evidence that, based upon a review of its electronic records, USCIS was unable to verify that the alleged abuser was either a U.S. lawful permanent resident or a U.S. citizen. In sum, although the director found that the petitioner failed to establish the requisite qualifying relationship and eligibility based upon that relationship, joint residence, abuse, and good-faith entry into the marriage, the evidence submitted on appeal relates only to the alleged abuse and does not address all of the stated reasons for denial.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An 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.

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.