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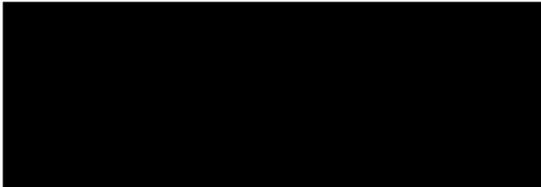
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
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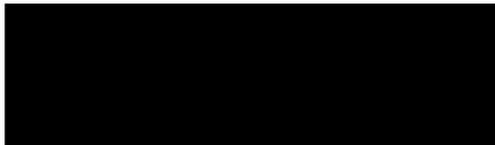


FILE:  Office: VERMONT SERVICE CENTER Date: **MAR 31 2011**

IN RE: 

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:

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 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 an alien battered or subjected to extreme cruelty by a United States citizen spouse.

The director denied the petition on June 15, 2010, finding that the petitioner failed to establish the requisite joint residence and good-faith entry into the marriage. The petitioner, through counsel, filed a timely appeal on July 19, 2010. On Part 3 of the Form I-290B, Notice of Appeal or Motion, counsel states, in part, that the alleged inconsistencies in the petitioner’s evidence are due to the abuse suffered by the petitioner, and that the joint documentation shows that the petitioner “shared common life with his wife.” As supporting documentation, counsel submits a psychological evaluation report from Dr. [REDACTED] and copies of documentation already in the record. Counsel also checked the block on the appeal form indicating that he would submit a brief and/or evidence to the AAO within 30 days. No further documents, however, have been received by the AAO to date. The record therefore is considered complete.

Although counsel disagrees with the director’s decision, he does not provide a brief or other evidence to address the director’s reasons for denying the petition. The documentation that counsel resubmits on appeal has already been discussed in detail in the director’s decision. Counsel’s generic assertion on appeal that “the alleged inconsistencies . . . [are] part of the abuse suffered by the petitioner,” does not reconcile the inconsistencies and discrepancies pointed out by the director. In addition, while the AAO acknowledges the psychological evaluation from Dr. [REDACTED] in which Dr. [REDACTED] summarizes that the petitioner was verbally, physically, sexually, and emotionally abused during his marriage, the alleged abuse was not one of the director’s reasons for denying the petition. Again, Dr. [REDACTED] evaluation does not reconcile the inconsistencies and discrepancies discussed by the director in his decision.

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.