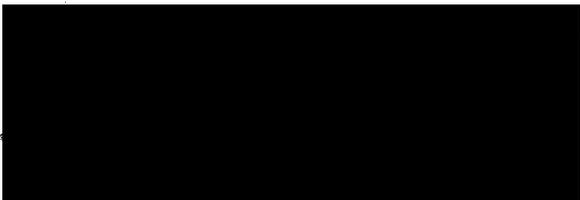




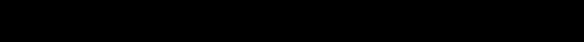
U.S. Citizenship  
and Immigration  
Services

B-9



JUL 14 2004

FILE:  OFFICE: VERMONT SERVICE CENTER DATE:  
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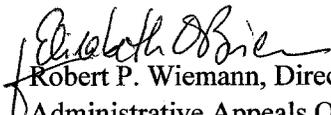
IN RE: Petitioner:   
Beneficiary: 

PETITION: Petition for Special Immigrant Battered 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:



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.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The preference visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Mexico who is seeking 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 United States citizen.

The record of proceedings indicates that the petitioner registered and declared an informal marriage to a naturalized United States citizen, [REDACTED] in Texas on July 6, 1994. The petitioner filed a Form I-360 on June 1, 2002. Finding the evidence insufficient to establish that the petitioner is a person of good moral character, the director requested additional evidence on November 19, 2002. The petitioner responded to the director's request for additional evidence. The director denied the petition, finding that the petitioner's conviction for possession of cocaine with intent to distribute, rendered her statutorily ineligible for a finding of good moral character and hence, ineligible for classification as a battered spouse of a U.S. citizen.

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.

On appeal, counsel for the petitioner indicated that he would submit a brief and additional evidence within thirty days of filing the appeal. More than eleven months have lapsed since the date of the filing of the appeal and nothing more has been submitted for the record. Inasmuch as counsel failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.