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U.S. Citizenship
and Immigration
Services

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BN

[Redacted]

FILE: [Redacted]
EAC 03 152 53328

Office: VERMONT SERVICE CENTER

Date: MAY 24 2004

IN RE: Petitioner: [Redacted]
Beneficiary [Redacted]

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:

[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.

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied [REDACTED] and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Iran 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 director denied the petition, finding that the petitioner had failed to establish that he been battered or subjected to extreme cruelty by his United States citizen wife. On appeal, counsel for the petitioner indicated that she would submit a brief within thirty days of filing the appeal. More than three months have lapsed since the appeal was filed and nothing more has been submitted to the record.

On the [REDACTED] indicated that he initially entered the United States as a B-2 nonimmigrant visitor on April 18, 1992. The petitioner was placed into removal proceedings on January 22, 2004. A Master Calendar hearing is scheduled for July 9, 2004.

On appeal, the petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

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 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.