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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

OFFICE OF THE ATTORNEY GENERAL

B9



FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER
EAC 01 151 54109

Date: **APP 27 2005**

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:

SELF-REPRESENTED

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, Director
Administrative Appeals Office

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

The petitioner is a company called Artistic Frame. The beneficiary is a native and citizen of Ecuador. On the Form I-360 petition, the petitioner indicated that the beneficiary sought classification under the "grandfather law."

The director denied the petition and notified the petitioner that if it was seeking benefits pursuant to section 245(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(i), it must file a Form I-140, Petition for Immigrant Worker.

According to the evidence in the record, the petitioner filed a Form I-140 on the beneficiary's behalf on April 12, 2001 (receipt EAC 01 150 51012), which was denied on January 24, 2002. The petitioner subsequently filed a Form I-360 petition for Amerasian, Widow(er), or Special Immigrant, on the beneficiary's behalf on March 20, 2003.

The director denied the petition, finding that it was unclear which benefit the petitioner sought. On appeal, the petitioner indicated that he was seeking benefits under section 245(i) of the Act.

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.

This decision does not prejudice the adjudication of a new Form I-140 petition.

ORDER: The appeal is dismissed.