



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



B9

FILE: 
EAC 04 148 50404

Office: VERMONT SERVICE CENTER

Date: DEC 22 2005

IN RE: Petitioner: 

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:



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 Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a native and citizen of Colombia 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.

According to the information contained in the record, the petitioner wed United States citizen [REDACTED] on March 7, 2003 in Morris, New Jersey. On May 1, 2003, the petitioner's spouse filed a Form I-130 in the petitioner's behalf. On that same date, the petitioner filed a Form I-485 application. On May 3, 2004, the petitioner withdrew her Form I-485 application and the Form I-130 petition was terminated on May 4, 2004 for abandonment.

On April 17, 2004, the petitioner filed the instant Form I-360 self-petition claiming eligibility as a special immigrant alien who has been battered by, or has been the subject of extreme cruelty perpetrated by, her citizen spouse during their marriage. The petition was denied on May 9, 2005 based upon the director's finding that the petitioner failed to establish she had been battered or subjected to extreme cruelty by her citizen spouse.

The petitioner files a timely appeal dated May 31, 2005.

Rather than identifying any error on the part of the director, the petitioner states on the Form I-290B:

Enclosed please find a personal statement stating that I was battered or that I was subject to extreme cruelty perpetrated by the citizen or lawful permanent resident during the qualifying relationship.

To accompany the appeal, the petitioner submits an unsworn statement, dated May 25, 2005, in which she describes the alleged abuse.

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.

The petitioner has failed to specifically identify an erroneous conclusion of law or statement of fact on the part of the director. 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.