U.S. Department of Homeland Security
20 Mass. Ave., N.W., Room A3042
Washington, DC 20529

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U.S. Citizenship and Immigration Services

PUBLIC COPY

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JAN 18 2005

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:
EAC 02 275 50181

IN RE: Petitioner: [redacted]
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:

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.

Mary Johnson

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 native and citizen of Columbia 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 she been battered or subjected to extreme cruelty by her United States citizen spouse. On appeal, the petitioner submits a statement and additional evidence.

The record of proceedings indicates that the petitioner wed on December 6, 1996 in New York, New York filed a Form I-130 petition on behalf of the petitioner. The petitioner filed a Form I-485 then withdrew the application on June 26, 2002 because she had separated from her spouse and her spouse had gone to prison on drug charges. The petitioner filed a Form I-360 petition on August 28, 2002.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director. She merely reiterated that her husband left her and served several years in prison.

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.