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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAR 24 2005
EAC 03 133 50038

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.

Mari Johnson

S Robert P. Wiemann, Director
Administrative Appeals Office

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

The director denied the petition, finding that the petitioner had failed to establish her eligibility for the benefit sought. On appeal, the petitioner indicated that she would submit a brief and/or additional evidence within thirty days of filing the appeal. More than seven months have lapsed since the appeal was filed and nothing more has been submitted to the record.

The record of proceedings indicates that the petitioner wed Javier Tobar Torres, a U.S. citizen, on May 31, 2002 in Puerto Rico. On February 24, 2003, the petitioner filed a 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 U.S. citizen spouse during their marriage.

Because the petitioner furnished insufficient evidence to establish that she resided with her spouse, has been abused by, or the subject of extreme cruelty perpetrated by her citizen spouse, that she is a person of good moral character, and entered into the marriage in good faith, the director asked her to submit additional evidence (RFE). The petitioner failed to respond to the RFE. The director denied the petition, finding that she could not make a determination because the petitioner failed to respond to the RFE.

On appeal, the petitioner failed to address specifically the grounds for denial set forth in the decision of the director. The petitioner also requested 30 days in which to submit additional documents. As of this date, nothing further has been received.

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.