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



U.S. Citizenship
and Immigration
Services

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BA



FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: MAY 17 2005
EAC 04 115 53929

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 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 Hungary 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 because the petitioner had divorced his citizen spouse more than two years prior to the filing of the petition, he could not establish that he been a bona fide spouse of a United States citizen within the past two years. See section 204(a)(1)(A)(iii)(II)(aa)(CC), 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(aa)(CC).

A timely appeal was filed.¹ On appeal, the petitioner stated that the reason for his appeal was as follows:

1. – I was married to United States Citizen.
2. – I was [eligible] for [Immigrant] classification 203(a)(2)(A) of the Act based on the relationship.
3. – I reside in the United States.
4. – I have resided in the United States [with] the citizen spouse
5. – I have been battered by, and subject to extreme cruelty.
6. – I am a person of good moral character.
7. – I am a person whose deportation will result in extreme hardship to myself.
8. – I entered the marriage to the citizen in good faith and love.

The petitioner makes no reference to the director's finding that the he divorced his citizen spouse more than two years prior to filing.

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 fails to address the director's stated ground for denial and 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.

¹ The Form I-290B indicates that the petitioner is represented by [REDACTED]. The regulation at 8 C.F.R. § 103.2(a)(3) specifies that a petitioner may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter." In this case, the person listed on the Form I-290B is not an authorized representative.