



U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: SEP 23 2005
EAC 04 0425 0875

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:



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

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 Peru 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.

Finding the evidence insufficient to establish eligibility for the benefit sought, on September 1, 2004, the director issued a notice requesting additional evidence. The petitioner failed to respond to the notice requesting additional evidence. On January 28, 2005, the director denied the petition, finding that the petitioner had failed to establish that she was eligible for the benefit sought.

On appeal, counsel for the petitioner indicated that he had not submitted and would not submit a brief and/or additional evidence.

The record of proceedings indicates that the petitioner filed a Form I-589 application for asylum on April 19, 1993. The petitioner wed U.S. citizen [REDACTED] on January 10, 1996 in Hackensack, New Jersey. The petitioner withdrew her asylum application on March 2, 1996. The petitioner's spouse filed a Form I-130 petition on the petitioner's behalf on March 27, 1996. The petitioner filed a Form I-485 application to register permanent residence or adjust status on March 27, 1997. On June 4, 1996, the district director approved both the Form I-130 petition and the Form I-485 application. The petitioner filed a Form I-751 petition to remove conditions on residence on December 12, 2000. The district director denied the Form I-751 petition on July 9, 2003. The petitioner filed the instant Form I-360 self-petition on or about December 3, 2003.

On appeal, counsel for the petitioner states the following reason for the appeal:

I am filing this appeal, due to the fact the evidence submitted by [REDACTED] is substantial, credible, and should have been approved under the "regulations." Therefore, kindly, review the file and make a favorable decision in support of the petitioner [REDACTED]. Your agency should rely on the evidence submitted previously by Ms [REDACTED]. Thank you.

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.

ORDER: The appeal is dismissed.