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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: JAN 17 2006

EAC 04 049 50486

IN RE:

Petitioner:



PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(B)(ii)

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

JAN 17 06 - 0489204 [www.uscis.gov](http://www.uscis.gov)

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**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 Mexico who is seeking classification as a special immigrant pursuant to section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(B)(ii), as the battered spouse of a United States citizen.

The director denied the petition on December 20, 2004, finding that the petitioner failed to respond to the director's request and that the record did not contain sufficient evidence to establish eligibility.

The petitioner submits a timely appeal and indicates that she is not submitting a separate brief and/or evidence. The petitioner provides the following reason as her reason for the appeal:

The reason for which I am appealing this decision is because ever since July of 1998 [my spouse] left and I have become [sic] the base of my family financially and emotionally. Thanks to the permit that I currently have to work in the U.S. I have been able to maintain my children which are now 23, 18, 16, and 9 years old. Ever since [my spouse] left me he has not been attentive to the 4 children he has with me.

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's statement regarding the fact that she is the primary financial resource for her family has no bearing on her eligibility. The petitioner fails to assert any error of law or fact on the part of the director.

Inasmuch as the petitioner has failed to specifically identify an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.