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

PUBLIC COPY



FILE: [Redacted]
EAC 03 256 55390

Office: VERMONT SERVICE CENTER

Date: JAN 17 2006

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:



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

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DISCUSSION: The preference visa petition was denied by the Acting Director (Director), Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n 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.”

On the Form I-290B, Notice of Appeal, filed on August 24, 2004, counsel for the petitioner indicates that she is submitting a separate brief and/or evidence to the AAO within 120 days. To date, nearly a year and a half after the appeal was filed, no further documentation has been submitted.¹ The record, therefore, is considered complete as it now stands.

Counsel states the following as the reason for the appeal:

1. Good moral character: the Attorney General [now the Secretary of Homeland Security] may waive the bar to issuing a finding of 'good moral character' in this case because the crime of burglary was connected to the domestic violence suffered by the beneficiary.
2. Beneficiary has established and can further establish that the marriage was entered in good faith.

Counsel's general statements regarding the self-petitioner's eligibility are not sufficient to establish a substantive appeal. Inasmuch as the petitioner has failed to specifically identify any erroneous conclusion of law of statement or fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.

¹ In a fax submitted by counsel on January 13, 2006, counsel confirmed that no brief or additional evidence was submitted in support of the appeal.