

B9



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY



FILE: [REDACTED]
EAC 03 181 54359

Office: VERMONT SERVICE CENTER

Date: JAN 17 2006

IN RE: Petitioner: [REDACTED]

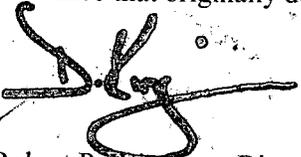
PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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.


Robert P. Wiemann, Director
Administrative Appeals Office

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

The petitioner seeks classification as an 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 an alien subjected to battery or extreme cruelty by his United States citizen spouse during their marriage. The director found the evidence submitted with the petition insufficient to establish the petitioner's eligibility and issued a Request for Evidence (RFE) on July 15, 2004. On January 5, 2005, having received no response from the petitioner or counsel, the director denied the petition based on the evidence previously submitted pursuant to 8 C.F.R. § 204.1(h).

Counsel timely filed a Form I-290B on which she indicated that she would submit a brief and related evidence within 120 days. Counsel dated her appeal February 2, 2005. On January 5, 2006, over 11 months later the AAO had received nothing further from counsel or the petitioner and contacted counsel by facsimile to request a copy of any brief and additional evidence submitted. On January 6, 2006, counsel responded by facsimile and stated that she did not file a brief and evidence as she indicated on the Form I-290B.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Counsel here has not specifically addressed the stated reasons for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.