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U.S. Citizenship
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APR 17 2007

FILE:

EAC 06 027 51752

Office: VERMONT SERVICE CENTER

Date:

IN RE:

Petitioner:

PETITION:

Petition for 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, Chief
Administrative Appeals Office

DISCUSSION: The preference 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 summarily dismissed.

The director denied the petition on September 15, 2006, noting that the petitioner failed to respond to the director's Notice of Intent to Deny (NOID) and finding that she failed to establish that she had a qualifying marriage as the spouse of United States citizen, was eligible for classification based upon that relationship, resided with her spouse, was subjected to battery or extreme cruelty by her spouse, is a person of good moral character, and entered into her marriage in good faith.

The petitioner, through counsel, filed a timely appeal on October 6, 2006. On appeal, the petitioner did not challenge the director's findings that she had failed to respond to the NOID and did not provide any explanation for her failure to do so. Although counsel for the petitioner generally states that the director's "decision was not grounded in the law," he does not allege any specific error of law or fact on the part of the director.

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."

Inasmuch as the petitioner has failed to specifically identify any erroneous conclusion of law or statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.