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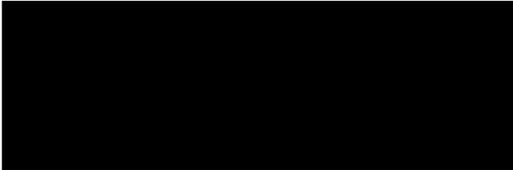
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date:

Apr 17 2007

EAC 04 059 50350

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.

Mauro Deadrick

Robert P. Wiemann, Chief
Administrative Appeals Office

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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 immigrant classification 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. The director denied the petition because the petitioner did not establish that: he had a qualifying relationship with his wife, he entered into their marriage in good faith, his wife subjected him to battery or extreme cruelty during their marriage, he resided with his wife, and he was a person of good moral character. Counsel timely appealed.

On the Form I-290B, counsel indicated that he would send a brief or evidence to the AAO within 30 days. Counsel dated the appeal December 11, 2006. Nearly four months later, on April 6, 2007, the AAO informed counsel that it had received nothing further and requested counsel to submit a copy of any brief or evidence submitted on appeal within five business days. Counsel did not respond.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) prescribes that an appeal shall be summarily dismissed "when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." In this case, counsel asserts that the director incorrectly determined that the record did not establish the petitioner's eligibility. Counsel does not specify any particular error of law or fact in the director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.