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U.S. Citizenship  
and Immigration  
Services



B9

FILE:   
EAC 05 064 53614

Office: VERMONT SERVICE CENTER

Date: **DEC 11 2007**

IN RE: Petitioner: 

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, Chief  
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 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 signed by counsel on October 28, 2006, counsel does not allege any error of law or fact on the part of the director. Rather, counsel states that the petitioner “can meet the burden in establishing battery or extreme cruelty necessary to qualify for an I-360 self-petition.” Although counsel also indicated that she would submit a brief and/or evidence to the AAO within 30 days, to date there is no indication or evidence that the petitioner ever submitted a brief and/or evidence in support of the appeal with the Vermont Service Center or with the AAO.

On October 16, 2007, the AAO sent a facsimile to counsel. The facsimile advised counsel that no evidence or brief had ever been received in this matter, and requested that counsel submit a copy of the *originally submitted* brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. No response was received.

The general statement made by counsel on the Form I-290B is not sufficient to meet the requirements for the filing of a substantive appeal. As the petitioner has failed to identify, specifically, an erroneous conclusion of law or statement of fact, the regulation mandates the summary dismissal of the appeal.

**ORDER:** The appeal is dismissed.