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U.S. Citizenship  
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Services

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FEB 26 2007

FILE:

EAC 05 078 52448

Office: VERMONT SERVICE CENTER

Date:

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:

SELF-REPRESENTED

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 August 7, 2006, finding that the petitioner failed to establish that she was battered by or subjected to extreme cruelty by her spouse and that she entered into her marriage in good faith.

On September 8, 2006, the petitioner filed a timely appeal. On the Form I-290B, Notice of Appeal, as the reason for the appeal, the petitioner stated "Request for new attorney of law" and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. To date, nearly five months later, no further submission has been received. The petitioner has made no request for an extension of time in which to submit a brief and/or evidence and has not otherwise provided good cause for granting an extension, pursuant to the regulation at 8 C.F.R. § 103.3(a)(2)(vii). Accordingly, the record is considered to be complete as it now stands.

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."

In this instance, the petitioner failed to allege any erroneous conclusion of law or statement of fact on the part of the director to be reviewed on 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.