



U.S. Citizenship
and Immigration
Services

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BA

FILE:



Office: VERMONT SERVICE CENTER

Date: JAN 11 2007

EAC 05 226 52335

IN RE:

Petitioner:



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

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 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.”

The director denied the petition on July 10, 2006, finding that the petitioner failed to establish that she was battered by or subjected to extreme cruelty by her spouse and that she is a person of good moral character.

On the Form I-290B Notice of Appeal, filed by petitioner’s counsel on August 11, 2006, counsel states the following as the reason for the appeal:

1. The applicant has sustained her burden of proof in this matter.
2. The applicant previously sent a good conduct certificate from NY in this matter.
3. The applicant did submit sufficient proof to indicate battery and extreme cruelty.
4. The applicant will submit additional documentation to replace what she previously sent to USCIS in this matter, including a certificate of good conduct and a statement in this matter regarding past abuse by her husband.

Counsel does not point to specific evidence to establish what he considers to be “sufficient proof” of the petitioner’s eligibility and fails to allege any erroneous conclusion of law or statement of fact to be reviewed. Counsel’s general statements are not sufficient to meet the requirements for the substantive filing of 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.