



U.S. Citizenship
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Services

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FILE: [REDACTED]
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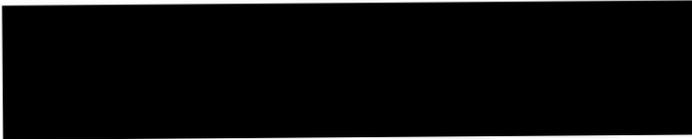
Office: VERMONT SERVICE CENTER

Date: JAN 24 2007

IN RE: Petitioner: [REDACTED]

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.

A handwritten signature in black ink, appearing to read "RWiemann".

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 July 5, 2006, finding that the petitioner failed to establish that he was battered by or subjected to extreme cruelty by his spouse and that he entered into his marriage in good faith.

On August 3, 2006, the petitioner, through counsel, filed a timely appeal. On the Form I-290B, Notice of Appeal, as the reason for the appeal, counsel stated that the petitioner has “obtained new affidavits . . . and wishes to submit an additional statement clearing the discrepancies mentioned by the Service in the denial letter.” Counsel further indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. To date, nearly six months later, no further submission has been received. Counsel 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, while counsel indicated his intent to submit additional evidence on appeal, he has failed to allege any erroneous conclusion of law or statement of fact on the part of the director to be reviewed on appeal.¹

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.

¹ We note that in instances such as this one, where the petitioner was put on notice of the evidence necessary to establish his eligibility and was given a reasonable opportunity to remedy deficiencies and submit additional evidence into the record before the visa petition was adjudicated, the AAO will not consider this evidence for any purpose on appeal. See *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaighena*, 19 I&N Dec. 533 (BIA 1988).