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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**

B9

[Redacted]

FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: **MAY 11 2007**
EAC 06 071 52219

IN RE: Petitioner: [Redacted]

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:

[Redacted]

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
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a United States citizen.

On October 6, 2006, the director denied the petition because the petitioner failed to establish that he entered into marriage with his wife in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act, and that he qualified for the bona fide marriage exception to the bar against approval of immediate relative petitions based on a marriage entered into while the alien spouse was in removal proceedings pursuant to sections 204(g) and 245(e) of the Act.

The director's decision notified the petitioner that he could appeal the decision within 30 days from the date of the decision, or 33 days if the decision was received by mail. 8 C.F.R. §§ 103.3(a)(2)(i), 103.5a(b). Counsel submitted an appeal on November 8, 2006, which was rejected because the Form I-290B was not signed. An application or petition that is not properly signed shall be rejected as improperly filed. 8 C.F.R. § 103.2(a)(7)(i). Rejected applications and petitions will not retain a filing date. *Id.*

Counsel signed the Form I-290B and resubmitted the appeal on November 21, 2006, which was 47 days after the date of the director's decision. As the appeal was untimely filed, it must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(i).

ORDER: The appeal is rejected.