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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

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: NOV 29 2007

EAC 05 122 53263

IN RE:

Petitioner:

[REDACTED]

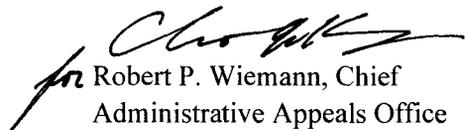
PETITION: Petition for Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

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.


for 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.”

The director denied the petition on November 15, 2006, finding that the petitioner failed to establish that she is a person of good moral character. On the Form I-290B signed by counsel on December 13, 2006, counsel does not allege any error of law or fact on the part of the director. Rather, counsel states that the petitioner’s convictions were “directly related to [her] being in an abusive situation.” Counsel did not elaborate on his argument or provide any additional evidence to support his assertion. Instead, counsel indicated that he was “seeking expert medical evidence” and requested 120 days in which to provide a brief and/or further evidence to the AAO. To date, however, there is no indication or evidence that the petitioner ever submitted a brief and/or evidence in support of the appeal to the Service Center or the AAO.

On October 24, 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.

Counsel responded to the AAO’s facsimile on October 25, 2007 and stated that no brief or further evidence had been submitted because they “were unable to secure the evidence supporting [the petitioner’s] claim on appeal that her . . . convictions were related and the result of her having been the victim of domestic violence....” Counsel then requested the AAO to continue with adjudication based on the grounds set forth on the I-290B.

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. The evidence previously submitted by the petitioner was discussed in the director’s decision. The petitioner does not allege that these findings were legally or factually erroneous. Accordingly, 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.