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FILE: [REDACTED]
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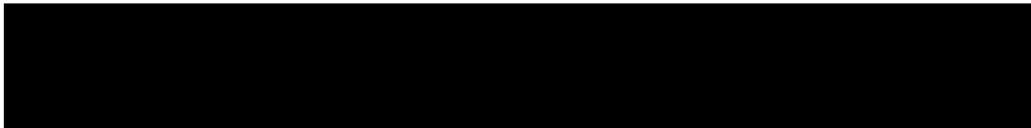
Office: VERMONT SERVICE CENTER

Date: FEB 05 2008

IN RE: Petitioner: [REDACTED]

PETITION: Petition for Immigrant Abused 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.

Robert P. Wiemann
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 petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien subjected to battery or extreme cruelty by her United States citizen spouse. The director denied the petition because the petitioner did not establish that she had a qualifying relationship with her husband, that she was eligible for immigrant classification based on such a relationship, that her husband subjected her or her child to battery or extreme cruelty during their marriage, and that she resided with her husband and entered into their marriage in good faith.

On November 20, 2006, the director issued a Request for Evidence (RFE) of, *inter alia*, the status of the petitioner's marriage, her husband's battery or extreme cruelty, her residence with her husband and her good-faith entry into their marriage. On March 8, 2007, the director issued a Notice of Intent to Deny (NOID) the petition for failure to establish the requisite qualifying relationship with a U.S. citizen, eligibility for immediate relative classification based on such a relationship, battery or extreme cruelty, joint residence and good-faith entry into the marriage. In the NOID, the director addressed the relevant evidence submitted initially and in response to the RFE and explained why the evidence was insufficient to establish the petitioner's eligibility. Neither counsel nor the petitioner responded to the NOID. Accordingly, the director denied the petition on the grounds cited in the NOID on October 3, 2007 and counsel timely appealed.

On the Form I-290B, Notice of Appeal, counsel indicated that he would send a brief or additional evidence to the AAO within 30 days. Counsel dated the appeal November 5, 2007. To date, the AAO has received nothing further from counsel or the petitioner.

On the Form I-290B, counsel asserts that the petitioner showed that she was abused and entered a bona-fide marriage in good faith by submitting affidavits from three individuals, her marriage certificate, statements of her landlord and alleged documentation of joint checking accounts and federal income tax filings. The director discussed all of these materials and their deficiencies in detail on pages two through four of his October 3, 2007 decision. Counsel cites no specific legal or factual error in the director's assessment of the relevant evidence.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) prescribes that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Counsel here has not cited any specific error of law or fact in the director's decision and has submitted no brief or additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.