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U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: JAN 23 2008
EAC 05 221 50045

IN RE: Petitioner: [REDACTED]

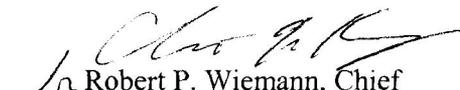
PETITION: Petition for Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the
Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:



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 July 3, 2006, finding that the petitioner failed to establish that she entered into her marriage in good faith. On the Form I-290B signed by counsel on July 31, 2006, counsel generally states that the petitioner has met her burden of establishing her good faith marriage but does not allege any error of law or fact on the part of the director. Counsel did not elaborate on his argument or provide any additional evidence to support his assertion. Instead, counsel indicated that he intended “to submit additional evidence and a brief in support of this appeal.” To date, however, there is no indication or evidence that the petitioner ever submitted a brief and/or evidence in support of the appeal with the Service or with the AAO.

On December 6, 2007, the AAO sent a facsimile to counsel. The facsimile advised counsel that no evidence or brief had 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. No response was received. As such, the record is complete as it now stands.

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 specifically identify an erroneous conclusion of law or statement of fact, the regulation mandates the summary dismissal of the appeal.

ORDER: The appeal is dismissed.