U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

[redacted]

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FILE: [redacted] Office: VERMONT SERVICE CENTER Date: APR 07 2008
EAC 04 070 52099

IN RE: Petitioner: [redacted]
Beneficiary:

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

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.

Marii Johnson

S Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Suriname who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iv), as the battered child of a United States citizen.

The director denied the petition, finding that the petitioner was more than 21-years of age at the time of the filing of the instant petition; therefore, he could not be considered a "child" within the meaning of the Act. On appeal, counsel for the petitioner asserts that the director failed to take into account special circumstances of the petitioner.

The record of proceedings indicates that the petitioner was born April 22, 1982 and was adopted by on January 26, 2000. United States citizen filed a Form I-130 petition on the petitioner's behalf on July 9, 2001. The district director denied the Form I-130 petition due to abandonment on May 14, 2003. On January 10, 2004, the petitioner filed a Form I-360 petition, claiming eligibility as a special immigrant alien who has been battered by, or has been the subject of extreme cruelty perpetrated by, his U.S. citizen parent.

On appeal, counsel for the petitioner asserts that the director failed to take into consideration the peculiar circumstances of the case, namely, the petitioner is an adopted child of a U.S. citizen, and has been continuously harmed by his adoptive father.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director, i.e., the petitioner is not a "child" within the meaning of the Act.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

> An 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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.