U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

B9

JAN 18 2005

[redacted]

FILE: [redacted]
EAC 01 081 51015

Office: VERMONT SERVICE CENTER

Date:

IN RE: Petitioner:
Beneficiary:

[redacted]

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

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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference 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 is a native and citizen of Mexico who is seeking classification as a special immigrant pursuant to section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(B)(ii), as the battered spouse of a lawful permanent resident of the United States.

The director denied the petition, finding that the petitioner had failed to establish that she is the spouse of a citizen or lawful permanent resident of the United States. On appeal, counsel for the petitioner indicated that he would submit a brief and/or additional evidence within thirty days of a response to his Freedom of Information Act (FOIA) request. More than three years have lapsed since the appeal was filed and nothing more has been submitted to the record.

The record of proceedings indicates that the petitioner wed [redacted] January 13, 1989 in Mexico. The petitioner's spouse filed a Form I-130 petition on the petitioner's behalf that was approved on March 13, 1992. The petitioner's spouse was convicted on charges of aggravated sexual assault of a child under the age of 14 and on August 22, 1997, he was deported. The petitioner filed a Form I-360 on January 11, 2001.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director. The petitioner indicated that she would submit a brief and/or additional evidence, but she failed to do so.

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.