



U.S. Citizenship  
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FILE: [REDACTED]  
EAC 03 196 52646.

Office: VERMONT SERVICE CENTER

Date: MAY 03 2005

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: Petition for Special 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.

*Maia Johnson*

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 Lithuania who is seeking classification as a special immigrant 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 the battered spouse of a United States citizen.

The director denied the petition, finding that the petitioner had failed to establish that he been battered or subjected to extreme cruelty by his United States citizen wife and that he had entered into the marriage in good faith. On appeal, counsel for the petitioner indicated that he would submit a brief and/or additional evidence within sixty days of filing the appeal. More than six months have lapsed since the appeal was filed and nothing more has been submitted to the record. This office has repeatedly phoned counsel to inquire about the brief but has received no response.

The record of proceedings indicates that the petitioner initially arrived in the United States as a C-1 alien in transit on June 6, 1996. The petitioner was [REDACTED] a U.S. citizen, on June 30, 2001 in Joliet, Illinois. Ms. [REDACTED] filed a Form I-130 on the petitioner's behalf on July 10, 2001. The petitioner filed a Form I-485 concurrently with the Form I-130.

The petitioner filed a Form I-360 petition on September 22, 2004. Because the evidence was insufficient to establish that the petitioner had been battered by, or subjected to, extreme mental cruelty by his citizen spouse, that he had resided with his wife, that he had entered into the marriage in good faith and that he is a person of good moral character, the director requested the petitioner to submit additional evidence. The petitioner responded to the request for additional evidence. The director evaluated the evidence in her decision. The director's analysis of the evidence will not be repeated here.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director. On appeal, counsel for the petitioner stated, "the petitioner suffered from extreme and repeated mental cruelty from his wife. We are asking to obtain 60 additional [days] in order to provide the necessary documents which were ordered."

More than six months have lapsed and nothing more has been submitted to AAO for the record. This office has repeatedly phoned petitioner's counsel but received no reply.

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.