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U.S. Citizenship
and Immigration
Services

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B9

[Redacted]

FILE:

[Redacted]

Office: VERMONT SERVICE CENTER

Date: MAY 03 2005

IN RE:

Petitioner:

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:

SELF-REPRESENTED

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, Director
Administrative Appeals Office

DISCUSSION: The Acting Director, Vermont Service Center, denied the preference visa petition in a decision dated November 3, 2004. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Germany 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 she had entered into the marriage in good faith. On appeal, the petitioner states that the "person who reviewed my evidence or case seems to be confused about his/her believes [sic]. I [am] also questioning the viewing of my evidence as well as the interpretation."

The record of proceedings indicates that the petitioner entered the United States on April 21, 1999 as a nonimmigrant visitor with a visa waiver. She wed U.S. citizen [REDACTED] on September 5, 2000 in Washington, D.C. The petitioner's husband filed a Form I-130 petition on her behalf on January 18, 2001. The petitioner filed a Form I-485 application to register permanent residence or adjust status concurrently with the Form I-130. On September 30, 2002, action on the Form I-130 was terminated and the Form I-485 was denied due to abandonment. The petitioner filed a Form I-360 self-petition on November 8, 2003.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

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.