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U.S. Citizenship
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FILE: [REDACTED]
EAC 03 235 50637

Office: VERMONT SERVICE CENTER

Date: JAN 09 2009

IN RE: Petitioner: [REDACTED]

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

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, Director
Administrative Appeals Office

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

The petitioner is a 19-year old native of the Ukraine who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iv), 8 U.S.C. § 1154(a)(1)(A)(iv), as the battered child of a United States citizen. In a decision dated March 15, 2005, the director denied the petition, finding that the petitioner did not have a qualifying relationship as the child of a United States citizen.

The petitioner filed a timely appeal dated April 5, 2005, with an accompanying letter.

Rather than specifically addressing the director's ground for denial and identifying any error on the part of the director, the petitioner's appellate letter states:

I am requesting 30 days to submit a brief/and or evidence to the AAO. I have an attorney¹ that is reviewing the case along with the assistance of Senator John McCain's office. The office of Senator John McCain has requested that I send this form to keep the case open. Due to unforeseen reasons, my attorney is currently out of town for 3 weeks.

We are reviewing the first I-360 petition . . . which was approved before my mother died and we followed with I-485 petitions which were first approved when my guardians and I went to the Los Angeles Offices, April 2001. When we moved to Arizona, the petitions were transferred and we then were informed that they were going to [sic] deny the I-485 petition along with the original I-360 petitions that had already been approved. We were then counseled that I could self-petition, which I did and have now received the denial letter.

To date, more than eight months after the filing of the appeal, no further submission has been received. We, therefore, consider the record to be complete as it now stands.

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 specifically identify any erroneous conclusion of law or statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.

¹ Despite the petitioner's reference to an attorney, we note that the record contains no Form G-28, Notice of Entry of Appearance as Attorney or Representative, to indicate that the petitioner is represented on appeal or has been previously represented in this case. The Form I-290B, Notice of Appeal to the AAO was signed by the petitioner, not by an attorney or representative on the petitioner's behalf.