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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

U.S. Citizenship and Immigration Services

By

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: JAN 27 2009

EAC 06 259 50209

IN RE: Petitioner: [redacted]

PETITION: Petition for Immigrant Abused 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, Acting Chief
Administrative Appeals Office

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

The petitioner seeks immigrant classification under section 204(a)(1)(B)(ii) of the Act, 8 U.S.C. § 1154(a)(1)(B)(ii), as an alien battered or subjected to extreme cruelty by a lawful permanent resident of the United States. The petitioner submitted evidence that her husband died on August 1, 2000. Accordingly, the director denied the petition because the petitioner did not establish that she had a qualifying relationship with a U.S. lawful permanent resident and that she was eligible for preference immigrant classification based on such a relationship.

On the Form I-290B received on August 16, 2007, counsel stated that he would submit a brief and/or additional evidence to the AAO within 30 days. On January 13, 2009, the AAO notified counsel that it had not received any brief or additional evidence and requested that counsel submit any such material(s) along with evidence of the date the brief or additional evidence was filed. On January 19, 2009, counsel responded that he did not file a brief or evidence as he indicated on the Form I-290B.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) prescribes that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. On the Form I-290B, counsel asserted that the petitioner was eligible for immigrant classification and had a current priority date. Counsel did not specifically address the stated reasons for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.