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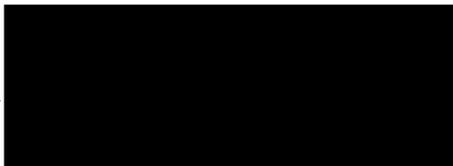
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date:

APR 25 2007

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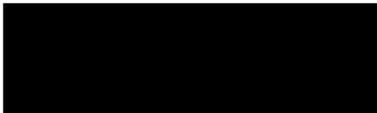
IN RE:

Petitioner:



PETITION: Petition for 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.

Maura Deadrick

Robert P. Wiemann, Chief
Administrative Appeals Office

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DISCUSSION: The immigrant 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 dismissed.

The petitioner seeks immigrant classification 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 an alien subjected to battery or extreme cruelty by a United States citizen. The director denied the petition because the petitioner did not establish that she had a qualifying relationship with her former husband, that she was eligible for immediate relative classification based on such a relationship, that her former husband subjected her or her child to battery or extreme cruelty during their marriage and that she entered into their marriage in good faith.

On September 13, 2005, the director issued a Request for Evidence (RFE) of the legal termination of the petitioner's marriage, her former husband's battery or extreme cruelty and her good-faith entry into the marriage. On November 21, 2005, pursuant to counsel's request, the director granted the petitioner an additional 60 days to respond to the RFE. Having received no response to the RFE over four months later, the director, on April 11, 2006, issued a Notice of Intent to Deny (NOID) the petition for lack of a qualifying relationship with a U.S. citizen, eligibility for immediate relative classification based on such a relationship, battery or extreme cruelty, and failure to establish that she entered into her marriage in good faith. Counsel did not respond to the NOID.

On the Form I-290B, counsel indicated that she would send a brief or evidence to the AAO within 30 days. Counsel dated the appeal October 14, 2006. Over five months later, on March 27, 2007, the AAO informed counsel that it had received nothing further and requested counsel to submit a copy of any brief or evidence submitted on appeal within five business days. Counsel did not respond.

On the Form I-290B, counsel asserts that the petitioner established her eligibility and met her burden of proof, but the director "erred in not considering the totality of the circumstances as presented by the [petitioner]." Counsel provides no further explanation of the reason for appeal. 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. Counsel here does not specifically identify any error of law or fact in the director's decision. Counsel also fails to 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.