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FILE: [Redacted]
EAC 07 230 50509

Office: VERMONT SERVICE CENTER

Date: **FEB 24 2009**

IN RE: Petitioner: [Redacted]

PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the
Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

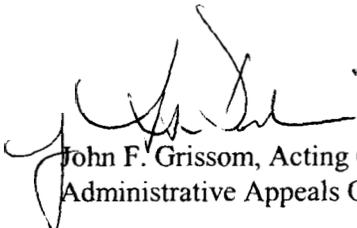
ON BEHALF OF PETITIONER:



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.

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)(A)(iii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a United States citizen. The director denied the petition because the petitioner did not establish that she was a person of good moral character.

On the Form I-290B dated August 29, 2008, counsel stated that he would file a brief within 30 days. Over five months later, on February 10, 2009, the AAO notified counsel that it had not received any brief or additional evidence in support of the appeal. The AAO cautioned counsel that the regulations do not allow an indefinite period of time in which to supplement an appeal once it has been filed and that counsel should not construe the notice as permission to submit a late brief or evidence. Nonetheless, on February 13, 2009, counsel submitted further evidence and a brief dated February 13, 2009. The regulation at 8 C.F.R. § 103.3(a)(2)(vii) allows additional time for the submission of a brief only for good cause shown. Counsel here has provided no explanation for his untimely submission of a brief and additional evidence. In fact, counsel did not submit a brief or evidence in support of his appeal until the AAO contacted him, over five months after the appeal was filed. Accordingly, the AAO will not consider counsel's February 13, 2009 submission.

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 did not identify any error of law or fact in the director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.