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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE: [Redacted]
EAC 06 049 52566

Office: VERMONT SERVICE CENTER

Date: JAN 15 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 had a qualifying relationship with her former husband and that he subjected her or her child to battery or extreme cruelty during their marriage.

On February 27, 2006, the director issued a Request for Evidence (RFE) of, *inter alia*, the status of the petitioner's marriage and battery or extreme cruelty. On April 25, 2006, the petitioner, through counsel, submitted additional evidence. On June 1, 2006, the director issued a Notice of Intent to Deny (NOID) the petition for failure to establish a qualifying relationship with a U.S. citizen and the requisite battery or extreme cruelty. Neither counsel nor the petitioner responded to the NOID. Accordingly, the director denied the petition on the grounds cited in the NOID.

On appeal, counsel submits a copy of the petitioner's RFE response and claims the director "did not comment on the documents we provided at all." However, in the NOID, the director discussed all the evidence submitted by the petitioner in response to the RFE and explained why it was insufficient to demonstrate the petitioner's eligibility. Counsel makes no further claims in support of the appeal and submits no new evidence.

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 has not specifically addressed the stated reasons for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.