

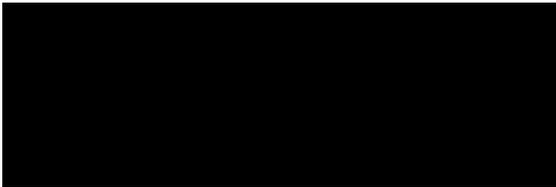
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FILE:

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Office: VERMONT SERVICE CENTER

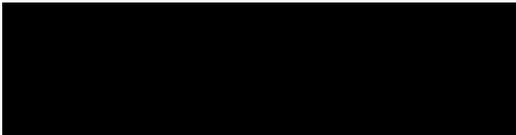
Date: DEC 21 2005

IN RE:

Petitioner: [Redacted]

PETITION: Petition for Special 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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The preference 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 summarily dismissed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n 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.”

On the Form I-290B, Notice of Appeal, filed on March 11, 2005, counsel for the petitioner indicates that she is submitting a separate brief and/or evidence to the AAO within 30 days. To date, more than nine months after the appeal was filed, no further evidence has been submitted. The record, therefore, is considered complete as it now stands.

Counsel states the following as the reason for the appeal:

“The decision contains errors of law and is an abuse of discretion.”

Counsel does not elaborate on her statements that the director’s decision “contains errors of law” and “is an abuse of discretion.” The statements of counsel on appeal or in a motion are not evidence and thus are not entitled to any evidentiary weight. *See INS v. Phinpathya*, 464 U.S. 183, 188-89 n.6 (1984); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980). More importantly, counsel fails to specifically identify the purported erroneous conclusion of law made by the director. Counsel’s general statements are not sufficient to meet the requirement of the regulation.

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.