

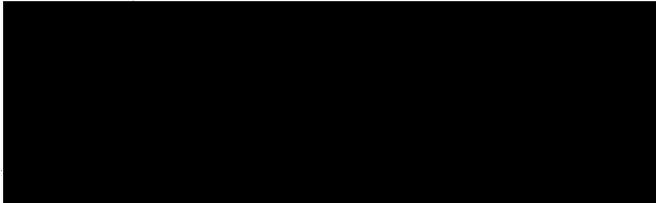
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U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: JUN 28 2005
EAC 04 064 51376

IN RE: Petitioner: [REDACTED]
Beneficiary: [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 on appeal. The appeal will be summarily dismissed.

The record reflects that the petitioner's spouse filed a Form I-130 petition in the petitioner's behalf on April 5, 1997. The petition was denied on February 20, 2001 due to abandonment. The petitioner filed the instant Form I-360 petition on December 29, 2003, claiming eligibility as a special immigrant alien who has been battered by, or has been the subject of extreme cruelty perpetrated by, his U.S. citizen spouse during their marriage. The director denied the petition on December 20, 2004, finding that the petitioner failed to establish he has been battered by, or has been the subject of extreme cruelty perpetrated by, his U.S. citizen spouse and that he entered into his marriage in good faith.

The petitioner, through counsel, files a timely appeal. On the Form I-290B Notice of Appeal, filed on January 8, 2005, counsel lists the following reason for the appeal: "The Service erred when denying the I-360 and brief will follow."

Contrary to counsel's stated claim that a brief will follow, counsel checked the block in section "2" of the Form I-290B indicating that he "was *not* submitting a separate brief or evidence."

Regardless of counsel's intentions, as of this date, the record does not contain a supplemental appellate brief. We consider the record to be complete as it now stands.

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."

Counsel does not elaborate on her statement or point to specific evidence to support her assertion that the director "erred" in his decision. 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). Counsel's general statement is not sufficient to meet the requirement of the regulation.

Inasmuch as the petitioner has failed to specifically identify any erroneous conclusion of law of statement or fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.