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**U.S. Citizenship  
and Immigration  
Services**

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B9

FILE: [REDACTED]  
EAC 04 033 53749

Office: VERMONT SERVICE CENTER

Date: NOV 10 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 February 8, 2005, counsel for the petitioner indicated that a separate brief or evidence was being submitted within 60 days. To date, more than eight 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 Immigration [S]ervice erred in denying the [petition] filed by [redacted] she presented ample evidence and information reg [sic] the abuse she suffered during her marriage. The Service erred in determining [sic] that said abuse was not sufficient to grant her the requested status. We request that you review said decision.

Counsel does not elaborate on his statement or point to specific evidence to support his assertion that the record contains “ample evidence and information” to support a finding of eligibility. 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). Moreover, counsel fails to specifically identify where the director made his purported erroneous conclusion of law or statement of fact. Counsel’s general statement that the director erred in his determination 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.