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U.S. Department of Homeland Security
20 Mass Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[Redacted]

FILE: [Redacted]
EAC 04 115 54211

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:

[Redacted]

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 9, 2005, counsel for the petitioner indicates that she is submitting a separate brief and/or evidence with the appeal and that she will be sending a separate brief or evidence within 30 days. The record contains no brief or evidence submitted concurrently with the appeal and to date, more than seven 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:

1. The decision of the Service denying the visa petition filed by the petitioner was arbitrary and capricious;
2. The decision by the director denying the visa petition was against the weight of the evidence submitted;
3. The decision by the Service denying the visa petition was against the regulations and the law.

Counsel does not elaborate on her statements that the director’s decision was “arbitrary and capricious” and “against the regulations and the law.” Further, counsel fails to point to specific evidence to support her assertion that the director’s decision was “against the weight of the evidence.” 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 fails to specifically identify any erroneous conclusion of law or statement of fact 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 of statement or fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.