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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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File: [Redacted]
EAC 02 119 52407

Office: VERMONT SERVICE CENTER

Date: JUN 16 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

IN 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.

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center. The matter 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 April 14, 2003, counsel for the petitioner indicated that a brief and/or evidence would be submitted to the AAO within 30 days. On June 5, 2005, counsel indicated that no brief or evidence had been submitted in support of the appeal. Accordingly, the record is considered complete as it now stands. Counsel listed the following reason for the appeal:

The Service erred in determining that the beneficiary did not have the requisite two years full-time experience in a religious occupation. She has documented by both correspondence from Pakistan, from the Shia religious organization and from the corresponding religious organization in the United States that she has been employed as a religious worker.

Although counsel makes a general claim that the director “erred” in his decision, counsel fails to indicate that the director’s findings are incorrect or based upon an erroneous conclusion of law or policy. As previously noted, no further evidence has been submitted to support counsel’s general claim. 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).

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.