

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

B7

[Redacted]

FILE:

[Redacted]  
EAC 03 245 54334

Office: VERMONT SERVICE CENTER

Date: JUN 16 2005

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:

[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 Acting Director (Director), Vermont Service Center, and is now before the Administrative Appeals Office 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 December 6, 2004, counsel for the petitioner listed the following reason for the appeal:

The Immigration Service erred in denying the Petition filed by the beneficiary. The beneficiary provided ample evidence and information regarding the abuse he suffered from his USC wife. The beneficiary is requesting to submit additional document to prove the statements made.

Counsel does not elaborate on his statement or point to specific evidence to support his assertion that the record contains sufficient evidence 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 her purported erroneous conclusion of law or statement of fact. Counsel’s general statement that the director “erred” in her decision is not sufficient to meet the requirement of the regulation.

Moreover, despite counsel’s claim that a brief and/or additional evidence would be submitted on appeal, to date, more than six months after the filing of the appeal, the record contains no further submission. We, therefore, consider the record to be complete as it now stands.

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.