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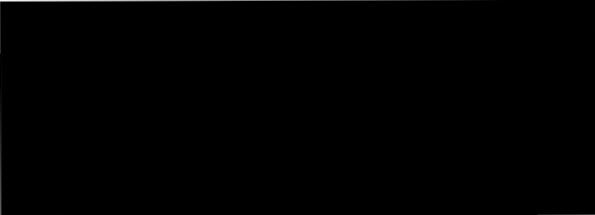
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U. S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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

B4



APR 27 2009

FILE: [Redacted] Office: VERMONT SERVICE CENTER Date:
EAC 07-009-50511

IN RE: Petitioner: [Redacted]

PETITION: Petition for Immigrant Abused 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification as a special immigrant pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as having been battered or subjected to extreme cruelty by his U.S. citizen spouse. He filed the instant Form I-360 Petition on October 10, 2006. The director denied the petition on October 11, 2007, finding that the petitioner failed to establish that he had been battered or subjected to extreme cruelty by his spouse. The petitioner filed a timely appeal on November 8, 2007.

On the Form I-290B, Notice of Appeal or Motion, the petitioner, through counsel, asserts that U.S. Citizenship and Immigration Services (USCIS) “ignored the evidence submitted to support the abuse that [the petitioner] suffered by his estranged U.S. citizen wife and misapplied the law.” Counsel subsequently submitted a brief; he also provided copies of affidavits which had been submitted previously and considered by the director. In his brief, counsel asserted that USCIS erred because the petitioner had successfully established that he was battered by his spouse “and was the subject of her extreme cruelty as she emotionally and economically abused him.” While counsel provided his own opinion regarding the weight that should have been accorded the evidence, he does not provide any additional evidence for consideration by the AAO. The unsupported statements of counsel on appeal 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).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Inasmuch as the petitioner has failed to provide any additional evidence or 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 summarily dismissed.