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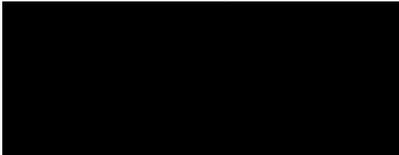
Office: VERMONT SERVICE CENTER

Date: JUN 13 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:



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 on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of the Dominican Republic who is seeking 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 the battered spouse of a United States citizen.

The director denied the petition, finding that the petitioner failed to establish that she entered into the qualifying marriage in good faith.

The petitioner, through counsel, submits a timely appeal. Counsel provides the following reason as her reason for the appeal:

The Service erred in the denial of this application because for the petitioner it is very difficult to provide more evidence regarding the marriage with the abuser. They have lived together as husband and wife for many years, but they are of limited income and they do not have bank accounts, savings accounts, life insurance, etc. She had to move to avoid the mistreatment of her husband and some of the evidence that could provide the bona fide of their marriage has been lost. She can only provide evidence of their marriage thru [sic] sworn statements of friends and persons related to them and that was presented to the [S]ervice

Counsel does not point to specific evidence to support his assertion that the director erred in his decision. Further, counsel fails to specifically identify how the director's findings are incorrect or based upon an erroneous conclusion of law.

No further evidence has been submitted in support of the appeal. The unsupported 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).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An 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.

The petitioner's general assertion regarding the director's error and the fact that she does not have the ability or the financial means to present more evidence does not satisfy the requirements of the regulation. The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.