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

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APR 27 2009

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date:
EAC 07-226-51436

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)

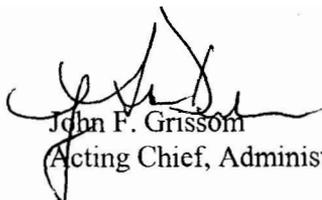
ON BEHALF OF PETITIONER:

[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 July 27, 2007. The director denied the petition on September 25, 2008, finding that the petitioner failed to establish that he had been battered or subjected to extreme cruelty by his spouse and that he had entered into his marriage in good faith; the director noted multiple discrepancies in the record that diminished the credibility of the petitioner's claims. The petitioner filed a timely appeal on October 28, 2008.

On the Form I-290B, Notice of Appeal or Motion, the petitioner, through counsel, asserts that U.S. Citizenship and Immigration Services (USCIS) abused its discretion in denying the petition and that the petitioner is eligible for the benefit sought. Counsel subsequently submitted a brief; she also provided copies of numerous documents which had been submitted previously and considered by the director.

Upon review, it appears that only one of the documents submitted on appeal, included in a list of 17 items, was not previously submitted: a copy of a form, RAL Loan App (2005), requesting a Refund Anticipation Loan of \$1,650; it includes the name and address of the petitioner and his wife, but is not signed or dated; it does not address the bases for denial. In her brief, counsel attempts to address the inconsistencies noted by the director by proposing possible reasons for the discrepancies and contradictions in the record; she also asserts that the petitioner has met his burden of proof. While counsel provided her own opinions regarding how to assess the evidence and her own explanations for some of the inconsistencies noted by the director, she does not provide any additional relevant 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 relevant 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.