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U.S. Citizenship
and Immigration
Services

B9

FILE:

EAC 06-173-50941

Office: VERMONT SERVICE CENTER

Date: FEB 24 2009

IN RE:

Petitioner:

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:

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 the self-petitioning spouse of an abusive U.S. citizen. The director denied the petition because the petitioner did not establish that she had been battered or been subjected to extreme cruelty by her U.S. citizen spouse or that she had entered into the qualifying relationship in good faith. The director noted multiple inconsistencies in the record as well as lack of evidence in support of the petitioner's claim.

Along with the Form I-290B, Notice of Appeal, filed on September 5, 2007, counsel submitted a brief and copies of official documents as evidence of the petitioner's claim that she resided with her U.S. citizen spouse, T-G-¹ during their marriage. The documents submitted included the petitioner's marriage certificate and notices from U.S. Citizenship and Immigration Services (USCIS) and forms submitted to USCIS that showed that the petitioner and T-G- had indicated that they resided at the same address during their marriage. Counsel also submitted copies of T-G-'s California Identification Card, issued in 2000, his tax forms from 2002 and prior divorce petitions dated in 1995 and 1996, showing that he had resided at that joint address for many years prior to the couple's marriage. All of those documents had been submitted and considered by USCIS previously or are irrelevant to the bases for denial in this case, *i.e.*, failure to establish abuse or a good faith marriage. In his brief, counsel claims that the I-360 Petition was incorrectly denied because the applicant was legally married to her husband in good faith; he then devotes much of his brief to restating the petitioner's claim and noting that their joint residence should not be at issue in light of all the documentary proof of their address. The AAO notes that joint residence is not at issue on appeal, and that counsel has failed to address the bases for the director's denial. The AAO also notes that 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) prescribes that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Counsel here has not specifically addressed the stated reasons for denial, has not provided any additional relevant evidence and has not identified any erroneous conclusion of law or statement of fact for the appeal. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.

¹ Name withheld to protect individual's identity.