



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 18295638

Date: AUG. 16, 2022

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse or Child of U.S. Citizen

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified at section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director of the Vermont Service Center (the Director) denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), determining that the Petitioner did not establish that he entered into his marriage in good faith, and the matter is before us on appeal. On appeal, the Petitioner submits a brief and previously submitted evidence. Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

A VAWA petitioner must establish, among other requirements, that they entered into the qualifying marriage to the abusive U.S. citizen spouse in good faith and not for the primary purpose of circumventing the immigration laws. Section 204(a)(1)(A)(iii)(I)(aa) of the Act; 8 C.F.R. § 204.2(c)(1)(i), (ix); *see also* 3 *USCIS Policy Manual* D.2(C), <https://www.uscis.gov/policy-manual> (explaining, in policy guidance, that the self-petitioning spouse must show that at the time of the marriage, they intended to establish a life together with the U.S. citizen spouse). Evidence of a good faith marriage may include documents showing that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; evidence regarding their courtship, wedding ceremony, shared residence, and experiences; birth certificates of any children born during the marriage; police, medical, or court documents providing information about the relationship; affidavits from individuals with personal knowledge of the relationship; and any other credible evidence. 8 C.F.R. § 204.2(c)(2)(i), (vii). Although we must consider any credible evidence relevant to the VAWA petition, we determine, in our sole discretion, what evidence is credible and the weight to give to such evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

The burden of proof is on the petitioner to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

## II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of the Dominican Republic, married V-S-<sup>1</sup> a U.S. citizen, in [REDACTED] 2015. In November 2017, he filed the instant VAWA petition based on this marriage.

The Director denied the petition, determining that the Petitioner had not demonstrated he entered into the marriage with V-S- in good faith. The Director explained that the Petitioner's two personal statements did not contain probative details regarding his courtship with V-S-, their shared experiences, common interests, marriage ceremony, or interactions with each other, except as related to the alleged abuse; that other documentary evidence, including a statement for a bank account in the Petitioner's name, was insufficient to establish a commingling of financial resources or shared financial responsibilities; and that the civil marriage certificate and photographs provided did not merit much evidentiary weight as they were not accompanied by sufficient supporting documentation to provide insight into the dynamics of the marriage or make a positive determination that it was entered in good faith.

On appeal, the Petitioner reasserts his claim that he married V-S- in good faith. Upon *de novo* review, we adopt and affirm the Director's decision with the comments below. *See Matter of P. Singh, Attorney*, 26 I&N Dec. 623 (BIA 2015) (citing *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) (“[I]f a reviewing tribunal decides that the facts and evaluative judgments rescinding from them have been adequately confronted and correctly resolved by a trial judge or hearing officer, then the tribunal is free simply to adopt those findings” provided the tribunal's order reflects individualized attention to the case).

The Petitioner further argues that the Director's decision was arbitrary and capricious, against the weight of the evidence, and an abuse of discretion. The Petitioner specifically argues the Director failed to consider affidavits from V-S-'s mother, as well as her sister, who was also the couple's former landlord, and a lease agreement signed by both his spouse and him. Upon review, we find no error in the Director's determination that the evidence submitted by the Petitioner was not sufficient to establish he entered into the marriage in good faith, and the record does not otherwise support the Petitioner's assertions on appeal. Although the Director did not directly discuss the third-party affidavits and lease agreement, the decision below indicates that it was based on a review of the totality of the evidence in the record.

Moreover, our *de novo* review reflects that the affidavits and lease agreement are not sufficient to establish the Petitioner's good faith marital intentions. As stated, although we must consider any credible evidence relevant to the VAWA petition, we determine, in our sole discretion, what evidence is credible and the weight to give to such evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i). Here, the affidavits in question focus on the alleged abuse the Petitioner endured during his marriage and his good moral character, and they further assert that he and V-S- resided together with, and leased a room from, V-S-'s sister during their marriage. The affidavit of V-S-' mother also generally asserts that the Petitioner “really loved [V-S-],” had a daughter with V-S-, and that V-S- prevented him from being declared the child's father. However, like other evidence in the record,

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<sup>1</sup> We use initials to protect the privacy of individuals.

the referenced documents lack specific, probative details that would provide insight into the Petitioner's involvement with V-S- prior to their decision to marry or into their relationship dynamics, outside of the alleged abuse, after their marriage. We acknowledge the assertion by V-S-' mother that the Petitioner is the father of V-S-'s child; however, as the Petitioner acknowledges, he is not listed as the father on the child's birth certificate, which is also not part of the record, and apart from the general assertions of the Petitioner and V-S-' mother, the record lacks probative evidence of when the child was born or that the Petitioner is the biological father. In addition, we note that the Petitioner's own statement submitted in response to the Director's request for evidence (RFE) indicates that the child was born in the United States to V-S- in [ ] 2016, approximately two months before the Applicant's entry into the United States in July of that year. He provided no further information addressing the circumstances of the child's birth and demonstrating that he is in fact the child's father. Moreover, the Petitioner's own written statements before the Director focused almost entirely on the claimed abuse by V-S- and otherwise provided no substantive information regarding their relationship, apart from briefly indicating that they met as students in the Dominican Republic in 1994 and "had a nice friendship from the beginning, that over the years turned to love" and that resulted in their marriage in 2015. In the absence of probative, credible testimony from the Petitioner, the remaining documentary evidence before the Director, including the supporting affidavits and lease agreement, is not sufficient to establish the Petitioner's good faith entry into marriage with V-S-. On appeal, the Petitioner does not submit any additional evidence of his good faith marital intentions.

In conclusion, the Petitioner has not established that he entered into his marriage to his U.S. citizen spouse in good faith. Consequently, he has not demonstrated that he is eligible for immigrant classification under VAWA.

**ORDER:** The appeal is dismissed.