



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

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

In Re: 22395014

Date: AUG. 22, 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 denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition) finding the Petitioner had not established that she entered into a qualifying relationship in good faith. The matter is before us on appeal. On appeal the Petitioner asserts the Director erred by not considering all the evidence and submits a memorandum in support. We review the questions in this matter de novo. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

**I. LAW**

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, in part, that she was in a qualifying relationship as the spouse of a U.S. citizen, is eligible for immigrant classification based on this qualifying relationship, entered into the marriage with the U.S. citizen spouse in good faith and was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(i)-(iii) of the Act. The petition cannot be approved if the petitioner entered into the marriage to the abuser for the primary purpose of circumventing the immigration laws. 8 C.F.R. § 204.2(c)(1)(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).

The burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. Matter of Chawathe, 25 I&N Dec. 369, 375 (AAO 2010). 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).

## II. ANALYSIS

The Petitioner is a 32-year-old native and citizen of Uganda who first entered the United States on a student visa in August 2016. In [REDACTED] 2019, the Petitioner married R-R-<sup>1</sup>, who filed Form I-130, Petition for Alien Relative, on the Petitioner's behalf in April 2019. The Petitioner simultaneously filed Form I-485, Application to Register Permanent Residence or Adjust Status (adjustment application). In June 2019, R-R- filed a withdrawal of the Form I-130 and it, along with the adjustment application, were subsequently denied. In July 2019, the Petitioner filed her VAWA petition, without an attorney, and among the supporting evidence was an undated personal statement. Also included in the record is a May 2021 personal statement in response to the Director's request for evidence (RFE), filed with the assistance of counsel. The Director denied the VAWA petition, finding that the Petitioner did not meet her burden in establishing that she entered into her marriage in good faith. The Director explained that the affidavits submitted in support lacked probative details, and the photographs and travel documents did not provide sufficient evidence of the Petitioner's intent to enter into the marriage in good faith. We agree. In addition, based on our de novo review, there are unexplained inconsistencies in the record with respect to whether the Petitioner entered into her marriage in good faith that are not overcome on appeal.<sup>2</sup> While we have reviewed the entire record, we discuss the evidence and statements in the record relevant to whether the Petitioner entered into a qualifying relationship in good faith.

According to the Petitioner's statements in the underlying record, she and R-R- knew each other in Uganda and she lost touch with him in 2005. She said they did not date as she was too young. On appeal, the Petitioner asserts that she had a brief romantic relationship with R-R- in Uganda, which ended when he left for the United States, demonstrating that her relationship began on "mutual attraction" and not to circumvent immigration laws. She does not provide details regarding her relationship with R-R- in Uganda and does not explain why her previous statements differ on how their relationship began. The Petitioner further described in her statements that: she reconnected with R-R- in May 2018 when she saw him perform at her church. They went on a date that evening and she confessed to him that she had a "big crush" on him when she was younger. She told him that she was three months pregnant, but the father of the child was "not in the picture." R-R- was in town from Oregon for two weeks and agreed to stay with her in her home. They decided to pursue a long-distance relationship. He visited her and stayed with her again for two weeks in July 2018 and a week in August

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<sup>1</sup> Initials are used to protect the identities of the individuals. We note that R-R- was naturalized as a U.S. citizen in 2015 and his last name on his naturalization certificate differs from other documents, such as his divorce judgment issued in October 2018 and his marriage certificate to the Petitioner.

<sup>2</sup> The Petitioner asserts on appeal that any inconsistencies in the record are due to her not having an attorney and because her English is not good. While we acknowledge that English is not the Petitioner's first language, we note that the Petitioner was assisted by counsel in her response to the RFE, and she does not identify the statements in the record that she believes were misinterpreted by the Director. Furthermore, as will be discussed, the inconsistencies raised in the record are not based on a translation issue.

2018, driving to her place in Massachusetts from Oregon. During a visit in October, R-R- proposed to the Petitioner. The Petitioner delivered her baby on [REDACTED] 2018. R-R- visited her and the baby for a few days in November 2018. The Petitioner acknowledged in her statements that R-R- was previously divorced twice. However, according to the divorce documentation submitted by R-R- with the Form I-130, R-R- was married once before and the marriage terminated in [REDACTED] 2018, a week before she stated R-R- proposed to her. While photographs and images capturing text messages on her phone were submitted in the record, text messages from the early part of their relationship were not included, i.e., May 2018 to December 2018.<sup>3</sup> Some photographs were included in the record but are undated and only depict a few occasions that the couple were together. The Petitioner does not appear pregnant in the photographs, even though the courtship began when she was three months pregnant and R-R- proposed when she was at the end of the pregnancy. In addition, context for the photographs were not provided, the individuals in the photographs with the couple were not identified, nor was it explained who was taking the photographs.<sup>4</sup> In response to the RFE, the Petitioner submitted affidavits by family and friends most of whom had never met R-R- in person as they reside in Uganda. The four friends who stated they had limited interaction with R-R- explained they met him either through a video chat, or once when he visited the Petitioner at work in July 2018, or when they invited him for dinner. All of the statements were general in nature, stating the Petitioner and R-R- were “happy” and “in love” providing few details on the couple, their courtship, or life together.

In addition, few details are provided with respect to the wedding and the couple’s plans to live together, and there were inconsistencies in the record with respect to both. According to the Petitioner’s statements, they were married in [REDACTED] 2019 and made the wedding a “secret” based on R-R-’s suggestion that it would be less expensive. The photographs of the wedding in the record only have the couple and a judge in attendance. The Petitioner did not explain the plans leading up to the wedding, the details of the wedding, how they planned to celebrate after the wedding, who attended the wedding, whether the wedding was documented by video, or from who they were keeping the wedding “secret.” The four declarations by friends submitted in response to the RFE each stated they were invited to the wedding but were unable to attend. One friend stated he watched the ceremony remotely by calling the couple and using the video feature on his phone. The Petitioner’s statements as to why she did not spend time with R-R- in Oregon also varied. In her statement filed with the VAWA petition, she said on May 22, 2019, she traveled to Oregon without her baby to work on her marriage. She said she planned on staying for a few days but returned home because she missed her baby and left on May 23, 2019. In her statement filed in response to the RFE, she asserted she left

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<sup>3</sup> The text messages submitted were excerpts and are provided with little context. With respect to their reliability, the recipient of many of the messages was not identified and the messages did not support the Petitioner’s assertions. For example, the Petitioner stated she ignored R-R-’s calls from the end of March until April 3, 2019, at which point she texted him and then continued to ignore his calls. This was not reflected in the text messages, which did not evidence missed calls during this time frame but did show missed calls on other dates. Rather, the messages by the Petitioner described how she missed her husband very much and he was the jewel of her life. Moreover, directly before these messages was a message by the recipient requesting food from the Petitioner. However, according to the Petitioner’s statements, she was not with R-R- in and around April 3, 2019, raising issue with whether R-R- was the recipient of all of the texts she submitted.

<sup>4</sup> For example, there is one photograph taken of Petitioner and R-R- in a kitchen. R-R- is not completely dressed and the Petitioner is in a robe. The individual taking the photograph captured a private moment but context for who took the photograph, when it was taken, why the individual was with the couple, and a statement of the individual speaking to the bona fides of the relationship of the couple was not provided.

Oregon after a day because R-R- did not have room for her baby. We note that the Petitioner's appointment for biometrics was scheduled in Oregon for May 23, 2019.

Further, documents the Petitioner provided in support of her and R-R- intending to share their life together raised discrepancies in the record. She included a copy of her auto insurance policy, which had both the Petitioner's and R-R-'s names on it. However, the policy did not indicate when R-R- was added, and the effective date of the policy is from May 2018, which was on or before the couple met. The insurance document also only lists one vehicle with the Petitioner as the operator, when the record described that the R-R- drove his own car. Further, the insurance document registers a change of address for the Petitioner to an address in Massachusetts, effective as of January 2019, when she stated she intended to move to Oregon. Moreover, the bank statement provided did not evidence the couple's comingled finances. While the bank account was also both in the Petitioner's and R-R-'s name, it reflected that it was opened in December 2017, which was before the Petitioner stated she reconnected with and entered into a relationship with R-R-. In addition, the bank statement did not document their expenses, did not evidence their spending, or show deposits from their employers. On appeal the Petitioner asserts that her husband had control over their resources, such as her phone, so she has limited access to evidence. However, she does not explain what evidence in her husband's possession she would provide to support her entering into her marriage in good faith. As discussed previously, we determine, in our sole discretion, the credibility of and the weight to give evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i). The personal statements did not provide probative details of the couple's courtship, proposal, and wedding, the evidence submitted did not support the Petitioner's claims and raised inconsistencies questioning the credibility of the evidence presented. Based on the discrepancies in the supporting evidence and the lack of sufficient detail in the petitioner's statements, we conclude the Petitioner has not met her burden in establishing she entered into her marriage in good faith.

### III. CONCLUSION

The Petitioner has not established by a preponderance of the evidence that she entered into her marriage to R-R-, her U.S. citizen spouse, in good faith. Consequently, she has not demonstrated that she is eligible for immigrant classification under VAWA.

ORDER: The appeal is dismissed.