



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

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

In Re: 22895232

Date: DEC. 12, 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), concluding that the Petitioner did not establish that he entered into the marriage in good faith, as required. The matter is now before us on appeal. On appeal, the Petitioner asserts he has established eligibility for the benefit sought. The Administrative Appeals Office reviews 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 VAWA petitioner must establish, among other requirements, that they entered into the qualifying marriage to the 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)(ix). 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 Act bars approval of a VAWA petition if the petitioner entered into the marriage giving rise to the petition while in removal proceedings, unless the petitioner establishes by clear and convincing evidence that the marriage was entered into in good faith and not solely for immigration purposes. *See* sections 204(g) and 245(e)(3) of the Act, 8 U.S.C. §§ 1154(g) and 1255(e)(3) (outlining the restriction on, and exception to, marriages entered into while in removal proceedings); *see also* 8 C.F.R. § 204.2(c)(1)(iv) (providing that a self-petitioner “is required to comply with the provisions of . . . section 204(g) of the Act”). Clear and convincing evidence is that which, while not “necessarily

conclusive, . . . will produce in the mind . . . a firm belief or conviction, or . . . that degree of proof which is more than a preponderance but less than beyond a reasonable doubt.” *Matter of Carrubba*, 11 I&N Dec. 914, 917 (BIA 1966).

## II. ANALYSIS

The Petitioner, a native and citizen of India, was placed into removal proceedings in [ ] 2012. He married his U.S. citizen spouse, A-D-R-,<sup>1</sup> in [ ] 2017 while he was in removal proceedings. The Petitioner subsequently filed his VAWA petition in June 2018. The Director determined the Petitioner had not met his burden of establishing by clear and convincing evidence that he entered into marriage with A-D-R- in good faith, as required by section 204(g), because the Petitioner married his spouse while in removal proceedings, and he did not establish his eligibility for immigrant classification under section 201(b)(2)(A)(i) of the Act.

The Director determined that the documentation submitted with the initial VAWA petition and in response to the request for evidence (RFE) and notice of intent to deny (NOID) did not establish by clear and convincing evidence that the Petitioner entered into marriage with A-D-R- in good faith. The Director noted that the Petitioner’s affidavits and third-party affidavits of support lacked consistent, probative details related to the Petitioner’s claim of good faith marriage, did not sufficiently detail the development of the Petitioner’s relationship with A-D-R-, and failed to substantively describe shared experiences.

In addition, the Director found that the supporting documentation, to include bank account statements, 2017 federal income tax return and transcript, utility bill, life insurance document, lease agreement, debt collector letter, photographs, and psychological evaluation, was not sufficient to show a commingling of resources and shared financial responsibilities. The Director indicated that the bank statements showed that a minimal balance was maintained on the account, and it did not contain the types of financial transactions normally associated with a *bona fide* marriage, such as rental, utility, grocery, or insurance payments.

On appeal, the Petitioner contends that the Director ignored the documentation submitted as proof of his and A-D-R-’s good faith marriage and, therefore, he is resubmitting the documents. Upon *de novo* review, we adopt and affirm the Director’s decision that the Petitioner has not established by clear and convincing evidence that he married A-D-R- in good faith. *See, e.g., Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994) (noting that the “independent review authority” of the Board of Immigration Appeals (Board) does not preclude adopting or affirming the decision below “in whole or in part, when [the Board is] in agreement with the reasoning and result of that decision”); *see also Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) (noting that, “[a]s a general proposition, if a reviewing tribunal decides that the facts and evaluative judgments prescinding from them have been adequately confronted and correctly resolved by” the decision below, “then the tribunal is free to simply adopt those findings” provided the tribunal’s order reflects individualized attention to the case”).

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<sup>1</sup> Initials are used to protect the privacy of individuals.

As the Director found, the Petitioner's affidavits address his initial courtship with A-D-R- in a general manner, describing how he met her at a mutual friend's house, they dated for five months, he felt she was the spouse of his dreams, and they were married in [REDACTED] 2017. The Petitioner's affidavits offer minimal insight into the relationship prior to their marriage and do not contain sufficient detail demonstrating his intent in entering marriage with A-D-R-. Instead, the affidavits predominantly focus on the claimed abuse by A-D-R-. The third-party affidavits are similarly vague regarding the Petitioner's courtship and marriage to A-D-R-, except as they contain detail relating to claimed abuse. The letters of support generally discuss the wedding between the Petitioner and A-D-R-, when they were introduced to A-D-R-, and the Petitioner's comments about how much he loved A-D-R-. Further, the psychological evaluation submitted with the VAWA petition provides the same general information as the Petitioner's affidavits regarding their courtship and describes the physical and emotional abuse the Petitioner reported he endured during the marriage but provides no further detail of their courtship or married life. We therefore find that the psychological evaluation also does not include probative details about the Petitioner's good faith in entering into the marriage. With regard to the photographs, they depict the Petitioner and A-D-R- together but are not dated or labeled and do not otherwise provide context for or insight into things the couple did together, their shared experiences, or events they attended together.

Regarding the submitted bank statements, 2017 federal income tax return and transcript, utility bill, life insurance document, lease agreement, and debt collector letter, we concur with the Director's determination that the documentation reflects minimal use of shared accounts that are normally associated with a *bona fide* marriage or otherwise establish shared financial responsibilities. The Petitioner has not submitted additional evidence addressing his good faith intention to marry A-D-R-.

As stated, because he entered into marriage while in immigration removal proceedings, the Petitioner must establish by *clear and convincing evidence* that he entered into marriage with A-D-R- in good faith. As discussed above, considering the lack of probative evidence, the Petitioner has not met this burden. Therefore, he has not established his eligibility for immigrant classification under VAWA.

**ORDER:** The appeal is dismissed.