



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

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

In Re: 16026679

Date: FEB. 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 by clear and convincing evidence that she entered her marriage in good faith and not to circumvent immigration laws. On appeal, the Petitioner asserts her eligibility for VAWA classification.

We review the questions in this matter *de novo*. See *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**

Petitioners who are spouses of U.S. citizens may self-petition for immigrant classification if they demonstrate they entered into marriage with the U.S. citizen in good faith and that, during the marriage, they were battered or subjected to extreme cruelty perpetrated by their U.S. citizen spouse. Section 204(a)(1)(A)(iii) of the Act; 8 C.F.R. § 204.2(c)(1)(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”).

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, a native and citizen of Mexico, married her U.S. citizen spouse, K-D-R-,<sup>1</sup> in [REDACTED] 2016, while the Petitioner was in removal proceedings. The Petitioner filed her VAWA petition in April 2018. The Director denied the petition, concluding the Petitioner had not met her burden of establishing by clear and convincing evidence that she entered into marriage with K-D-R- in good faith, as required by section 204(g) since the Petitioner married her spouse while in removal proceedings.

The Petitioner contends the record evidence before the Director should have been deemed sufficient to approve her VAWA petition. The Petitioner asserts that though the Director determined she did not offer details of her initial courtship with K-D-R-, such as topics of conversations and mutual interests for dating and events, she provided as much information as she could. The Petitioner contends that as she did not know English and she and K-D-R- communicated via Google Translate, their text messages should not have been expected to detail mutual interests and other topics of conversation. The Petitioner also claims her sister-in-law's letter of support cannot be expected to include details outside of K-D-R-'s visits to the restaurant where she and the Petitioner worked, as K-D-R- was not allowed to come to the Petitioner's home until their marriage. Similarly, the Petitioner asserts her daughter's letter of support was erroneously deemed brief, general, and vague; the Petitioner claims she did not want to involve her daughter in her marriage, so her daughter was not privy to the Petitioner's marital relationship. The Petitioner also asserts she did not submit evidence of comingled finances and responsibilities with K-D-R- because K-D-R- told her she would not have to work and that it is common knowledge that undocumented immigrants are unable to obtain bank accounts or social security numbers. The Petitioner contends the Director's decision should be reversed because she is unable to provide anything further and there is no indication the submitted evidence is not credible.

We adopt and affirm the Director's decision. *See 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) (“we join eight of our sister circuits in ruling that the Board [of Immigration Appeals] need not write at length merely to repeat the IJ's [Immigration Judge's] findings of fact and his reasons for denying the requested relief, but, rather, having given individualized consideration to a particular case, may simply state that it affirms the IJ's decision for the reasons set forth in that decision.”). The Petitioner's arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet her burden of establishing she married her spouse in good faith. The Petitioner does not dispute the Director's findings that her personal statements were vague and general regarding her initial courtship with K-D-R-. Rather, the Petitioner asserts their communications should not be expected to be otherwise, as the entirety of her communications with K-D-R- was limited to text messages and Google Translate, as she did not know English. However, the Petitioner has not demonstrated this reliance upon Google Translate necessitated general and vague text communications between the Petitioner and K-D-R- that did not demonstrate her intent in entering the marriage or include details of events, daily interactions, and mutual interests for dating and events. Further, the Petitioner does not address the Director's finding that her own personal statements only reference two events in her relationship with K-D-R- prior to proposal and marriage: when she took her granddaughter to K-D-R-'s home to watch a movie and the next day, when K-D-R- went to her brother's home to ask permission to marry the Petitioner.

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

Similarly, the Petitioner does not dispute the Director's findings that letters of support submitted by her sister-in-law, daughter, and brother were brief and did not demonstrate the Petitioner's intent in entering into marriage as they did not provide relevant, specific details. Rather, the Petitioner asserts that the letters from her sister-in-law and daughter should not be expected to provide such details as her daughter was not aware of details of their relationship, and K-D-R was not allowed to visit the Petitioner's home prior to marriage. The Petitioner does not address the Director's determinations that her sister-in-law's letters do not detail events that took place with K-D-R- at her own home, and the Petitioner's brother's letter indicated K-D-R- was a stranger to him, and details only one occasion on which they met. The Petitioner also asserts she cannot provide evidence of commingled finances or responsibilities with K-D-R-, other than an auto insurance card listing the Petitioner and K-D-R- as insured drivers, as such evidence does not exist. Though the Petitioner claims it is commonly known that undocumented individuals cannot open bank accounts, she does not assert that she and K-D-R- attempted to commingle their finances or otherwise commingle responsibilities in their marriage. As stated, the Petitioner claims that she is unable to provide any further evidence in support of her VAWA petition. The Petitioner asserts the Director should have approved her VAWA petition because her submission of credible evidence alone should be sufficient to merit VAWA classification. However, in accordance with section 204(g) of the Act, the Petitioner's burden is not limited to submitting credible evidence. Rather, as the Petitioner entered into her marriage while in immigration removal proceedings, she must establish by *clear and convincing evidence* that she entered into marriage with K-D-R- in good faith. The Petitioner has not overcome the basis of the Director's denial and has not demonstrated she met this burden on appeal.

**ORDER:** The appeal is dismissed.