



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

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

In Re: 21599770

Date: JULY 18, 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. Upon *de novo* review, we will dismiss the appeal.

I. LAW

A petitioner who is the spouse or former spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, in part, that they entered into the marriage with the U.S. citizen spouse in good faith and the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii) of the Act. Good faith requires that a petitioner has not "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). Evidence that the marriage was entered into in good faith may include, but is not limited to: shared insurance policies, property leases, income tax forms, and bank accounts; testimony or other evidence regarding the couple's courtship, wedding ceremony, shared residence, and experiences together; birth certificates of children born to the relationship; police, medical, or court documents providing information about the relationship; or affidavits of persons with personal knowledge of the relationship. 8 C.F.R. § 204.2(c)(2)(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). Petitioners are "encouraged to submit primary evidence whenever possible," but may submit any relevant, credible evidence in order to establish eligibility. 8 C.F.R. § 204.2(c)(2)(i). USCIS determines, 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

In this case, the Petitioner married N-D-W¹, a U.S. citizen, in [] 2017. He filed the instant VAWA petition in July 2019 based on a claim of battery and extreme cruelty by his U.S. citizen spouse. In Part 10 of his VAWA petition, the Petitioner indicated that he lived with N-D-W- from January 2017 to October 2017. In support of the VAWA petition, the Petitioner provided an affidavit, copies of a marriage certificate, a divorce decree, a joint bank account, affidavits from third parties, and photographs.

In his initial affidavit submitted with his VAWA petition, the Petitioner explained that he came to the United States to study in New York and that he enjoyed traveling to Alabama because the weather is similar to his home country of Bangladesh. In August 2015, he explained that he met a woman named N-D-W- at a friend's house party in Alabama. He stated that although she was 11 years older than him, he was attracted to her "liberal mentality." Within a month of meeting her, the Petitioner returned to Alabama and met with N-D-W- again at his friend's house and they exchanged phone numbers. They continued to see each and talked on the phone frequently. In February 2016, on Valentine's Day, N-D-W- proposed to the Petitioner and the next day, the Petitioner met with N-D-W-'s family. The Petitioner expressed that her family was positive about their relationship. In September 2016, the Petitioner returned to Bangladesh for a two-month vacation, and he told his family about N-D-W-. He stated that his family was against their relationship because she was of a different religion and culture. He further expressed that the two months he spent in Bangladesh were the hardest time of his life and that his parents stated that they would only support his education and nothing else. The Petitioner returned to the United States in November 2016 and married N-D-W- in [] 2017. After they were married, the Petitioner explained that because he was not working, they decided to live with her family until he adjusted his status to a permanent resident. The Petitioner attested that after they were married, he realized that N-D-W- was an alcoholic and abused drugs and that they would argue about sex and finances every day. He asserted that N-D-W- was physically and mentally abusive towards him. The Petitioner and N-D-W- divorced in [] 2018.

The Director issued a request for evidence (RFE) seeking, in part, additional documentation to show that the Petitioner entered into marriage with N-D-W- in good faith. The Director found that the Petitioner's affidavit lacked probative details and did not provide insight into the dynamics of their marriage. The Director further found that the Petitioner's affidavit did not describe any mutual interests, details of the couple's courtship, or the circumstances and events demonstrating their involvement prior to or during their marriage. In addition, the Director found that letters submitted by third parties were brief and general and did not give detailed narratives that would support the Petitioner's claim of entering the marriage in good faith and, therefore, accorded them little evidentiary weight. The Director acknowledged other documents in the record, such as a joint bank account, a marriage certificate, and photographs, and found that these documents were insufficient to make a positive determination of a good faith marriage.

The Petitioner responded to the RFE and submitted additional evidence, including a new self-affidavit and three new third-party affidavits. In his new affidavit, he explained that him and N-D-W- had a long-distance relationship and after they got engaged, they stayed in a motel to spend quality time

¹ We use initials to protect the identities of the individuals in this case.

together. He further explained that before they were married, they did not see each other that much because of limited money and time. He also stated that N-D-W- and her family arranged the court marriage in order for them to live together. He asserted that they intended to have a marriage ceremony but that over time N-D-W- did not show interest anymore. In addition, the Petitioner explained that the only joint document that they had was a bank account but that he never used the account or deposited any money into it.

The Director denied the VAWA petition, specifying that the record continued to provide minimal insight into Petitioner's decision to marry N-D-W-. The Director further found that the additional third-party affidavits submitted in response to the RFE did not give detailed narratives of the relationship. Specifically, the Director stated that although the affidavits indicate that the individuals read the psychological evaluation and that they were concerned about the Petitioner's relationship with N-D-W-, the affidavits did not provide specific details about their relationship. In addition, the Director mentioned that the photographs initially submitted only capture one-time events and, therefore, do not hold sufficient evidentiary weight. Moreover, the Director noted that the joint bank account document only showed that the Petitioner opened an account with N-D-W- but it did not demonstrate that the Petitioner used the account to commingle his financial assets and together maintain common marital responsibilities. The Director denied the petition accordingly.

On appeal, the Petitioner, through counsel, submits a brief, asserting that the Petitioner married N-D-W- in good faith. The Petitioner contends that due to his abusive relationship with N-D-W-, he was only able to provide affidavits from himself, and friends, a joint bank account, and photographs to demonstrate he entered into the marriage in good faith. In addition, the Petitioner argues that USCIS did not consider his psychological evaluation, which was also submitted as proof of his good faith marriage to N-D-W-.

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."). As the Director found, the Petitioner's affidavits lacked probative details regarding the couple's courtship, wedding ceremony, marital routines, or memorable experiences in their married life. In addition, the third-party affidavits did not include sufficient probative details of the Petitioner's courtship, intent when getting married, or any shared interests and activities, and the joint bank account document did not evidence shared financial responsibilities and a commingling of resources. 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. On appeal, he has not submitted a new affidavit, statements from third parties, or any other evidence to provide probative, insightful details regarding his marital intentions. As such, the Petitioner has not demonstrated by a preponderance of the evidence that he married N-D-W- in good faith. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (describing the petitioner's burden under the preponderance of the evidence standard and explaining that in determining whether

a petitioner has satisfied their burden, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence).

III. CONCLUSION

The Petitioner has not established that he married his U.S. citizen spouse in good faith. Consequently, he has not demonstrated that he is eligible for immigrant classification pursuant to VAWA.

ORDER: The appeal is dismissed.