



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

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

In Re: 19425997

Date: JUN. 3, 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 she entered into the marriage with her U.S. citizen spouse in good faith. The matter is now before us on appeal. On appeal, the Petitioner submits additional evidence and asserts her eligibility.

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). Upon *de novo* review, we will dismiss the appeal.

I. LAW

A VAWA petitioner who is the spouse or ex-spouse of a United States citizen may self-petition for immigrant classification if the petitioner demonstrates that they entered into the marriage with a United States citizen spouse in good faith and that during the marriage, the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii)(I) of the Act; 8 C.F.R. § 204.2(c)(1)(i). In addition, petitioners must show that they are eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and are a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act; 8 C.F.R. § 204.2(c)(1)(i).

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)(vii).

U.S. Citizenship and Immigration Services (USCIS) shall consider any credible evidence relevant to the VAWA petition; however, the definition of what evidence is credible and the weight that USCIS gives such evidence lies within USCIS' sole discretion. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i). 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).

II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of Nigeria, married S-J-¹ a U.S. citizen, in [] 2018 and filed the instant VAWA petition based on this marriage in July 2019.

In the record before the Director, the Petitioner explained that she met S-J- in "late winter 2018" and they were interested in each other and exchanged phone numbers. She stated that he expressed his love for her and proposed to marry her.² In a supplemental written statement provided in response to the Director's request for evidence (RFE), the Petitioner further explained that she and S-J- met at a grocery store in downtown [] in 2018 where he approached her and they exchanged contact information. She stated that they began texting and talking on the phone and he expressed his interest in her in "a lovely way" by calling her "sweet names" and telling her he'd been blessed to have met her. She said that they began dating and spending time together and one day he told her that she "was a very loving and caring woman and that he would like [them] to get married." She stated that when he proposed, she accepted as she "had grown to love him too." The Petitioner and S-J- married on [] 2018.³ The Petitioner explained that after the wedding, she and S-J- rented an apartment and moved in together. The record reflects that S-J- filed immigration paperwork for the Petitioner in October 2018, which was denied due to his failure to appear for an interview.⁴

At the time of filing, the Petitioner submitted letters from two of her friends acknowledging her relationship with S-J- and indicating their knowledge of the abuse; copies of text messages between the Petitioner and J-G-, who the Petitioner identifies as S-J-'s caseworker; copies of text messages between the Petitioner and J-, who the Petitioner identifies as S-J-'s friend; letters from S-J- to the Petitioner sent while he was at a rehabilitation center and later incarcerated; and information pertaining to S-J-'s criminal history. In response to the RFE, the Petitioner submitted utility bills in S-J-'s name at the shared address from May 2019 and February 2020; a letter from the Board of Elections sent to S-J- at the shared address from an unspecified date; a letter from Behavioral Health Sciences sent to S-J- at the shared address from March 2021; a letter from the Ohio Bureau of Motor Vehicles sent to S-J- at the shared address from January 2020; a copy of a residential lease agreement for the shared address, listing the Petitioner and S-J- as residents/occupants for the period of [] 2018 to April 2019; personal copies of Internal Revenue Service (IRS) Form 1040, U.S. Individual Income Tax Return (Form 1040), for the Petitioner as married filing separately in 2019 and 2020, and for the Petitioner and S-J- as married filing jointly in 2018; copies of bank statements from [] 2018 to

¹ We use initials to protect the privacy of individuals.

² The Petitioner did not indicate the timing of his expression of love or his proposal for marriage.

³ The Petitioner did not include any information about the wedding ceremony, such as where they were married, the preparation involved, who attended their wedding, or whether there was a celebration afterward.

⁴ The record reflects that the first scheduled interview was rescheduled to a new date because S-J- was incarcerated at the time. However, the request to reschedule the newly scheduled interview was denied as it did not constitute good cause to reschedule.

August 2018 showing limited transactions of deposits, transfer deposits, and withdrawals; and letters from three of her friends acknowledging her relationship with S-J-, stating that they visited her and S-J- at their shared home, and indicating their knowledge of the abuse.⁵

The Director denied the VAWA petition, determining that the Petitioner had not demonstrated that she entered into the marriage with S-J- in good faith. The Director indicated that the evidence provided by the Petitioner lacked probative details and insight regarding the marital relationship. Specifically, the Director explained that the personal statements from the Petitioner lacked specific and probative details about the emotional ties she and S-J- shared; USCIS has no way to verify the letters alleged to be from S-J- are in fact from him; the letters written on her behalf are vague and do not provide many details about emotional ties she and S-J- allegedly shared; the tax documents do not establish whether they were filed with the IRS; and the bank statements show very limited transactions and do not establish that she and S-J- both use the account.

On appeal, the Petitioner does not submit additional evidence. Instead, she contends, through counsel, that the Director's decision "completely fails to account for all the evidence of bona fide relationship that was submitted" and "focuses on minor details and does not account for the fact that this was an abusive relationship that started happily but quickly deteriorated due to the abuser's drug addiction, which was initially unknown to the [Petitioner]." The Petitioner claims that the Director applied a standard of proof that is much higher than that of "preponderance of the evidence" as it is evident that the couple intended to establish a life together when they started living together soon after getting married and spent time together and with friends. Specifically, the Petitioner states that the Director's statement concerning her letters not including details of "emotional ties" to S-J- is subjective as emotions are expressed differently by different people and expressing emotions in writing is not an easy task. Further, the Petitioner states that the Director's statement concerning the verification of S-J-'s letters applies a much higher standard of proof than preponderance of the evidence. The Petitioner further claims that the Director did not take into account the "any credible evidence" standard applied to VAWA petitions and provides a notarized letter from S-J- to show his handwriting and verify the letters he sent her from rehab and prison, as well as the IRS tax transcripts to demonstrate that the Forms 1040 were filed with the IRS. The Petitioner submits a notarized letter from S-J-; IRS tax transcripts for the Petitioner as married filing separately in 2019 and 2020, and for the Petitioner and S-J- as married filing jointly in 2018; and additional photographs of the Petitioner and S-J-.

The notarized letter from S-J- states that he "married [the Petitioner] out of love [and they] have a normal marriage." S-J- states that he messed up due to his addiction and that the Petitioner did nothing wrong. He also states that he is "trying to fix [his] relationship and get [his] queen back" and that he vows not to use drugs again or put his hands on the Petitioner ever again. Finally, S-J- states that he loves his wife.

Upon *de novo* review, the record does not support the Petitioner's claim. The statements from the Petitioner and her friends lack probative detail regarding the Petitioner's courtship and experiences with S-J- prior to their marriage, her intentions in marrying S-J-, details regarding S-J-'s proposal, the preparations (if any) for their wedding, the actual wedding ceremony, any celebrations afterward, or their marital routines or shared experiences together. Additionally, while the notarized letter from

⁵ The Petitioner also submitted information pertaining to her relationship with her previous husband, D-A-.

S-J- submitted on appeal confirms that the letters previously submitted in the record were from him, based on handwriting, it also lacks probative detail regarding the relationship. The letter from S-J- only speaks to his intentions in marrying the Petitioner, not hers, and again, does not contain any information regarding their courtship, their wedding, or their marital routines and shared experiences together. Further, the additional photographs submitted on appeal are also not sufficiently probative as most of them appear to have been taken on the same day and they are not accompanied by narratives of when they were taken, where they were taken, or what was happening at the time.

Although we acknowledge the Petitioner's explanation for the scant documentary evidence, the evidence provided—photographs, letters to S-J- at the claimed shared address, tax filings, bank statements showing limited transactions—offers little additional insight into the Petitioner's intentions in marrying S-J-. Additionally, and critically, although the Director specifically identified the lack of detail provided in the Petitioner's statements, the Petitioner has not provided an additional statement or any additional detail about her relationship with S-J- or her intentions when marrying him on appeal. As such, the Petitioner has not demonstrated by a preponderance of the evidence that she married S-J- 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 she married her U.S. citizen spouse in good faith. Consequently, she has not demonstrated that she is eligible for immigrant classification pursuant to VAWA.

ORDER: The appeal is dismissed.