



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

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

In Re: 18280761

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), and the matter is before us on appeal. Upon de novo review, we will dismiss the appeal.

I. LAW

An individual who is the spouse of a U.S. citizen may self-petition for immigrant classification under VAWA if the individual demonstrates, among other requirements, that they entered into the qualifying marriage to the abusive 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); *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. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). 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).

II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of Egypt, married C-N¹, a U.S. citizen, in [REDACTED] 2016. He filed the instant VAWA petition in November 2018 based on this marriage.

¹ We use initials to protect the privacy of individuals.

In the record before the Director, the Petitioner stated that he met C-N- in May 2015, shortly after he arrived in the United States. The Petitioner stated that he was invited to a party by one of his friends and while there, he met and exchanged phone numbers with C-N-. The record reflects that the Petitioner and C-N- initially got married in [redacted] in [redacted] 2015, but due to confusion around the Petitioner's divorce decree, the marriage was not valid. After learning this, the Petitioner stated that he and C-N- returned home, and he began looking for an apartment so they could live together with C-N-'s son. In the initial statement submitted with his petition, the Petitioner stated, "[w]e started catching feelings to each other, and as time went by, those feelings that we were [*sic*] shared became stronger, and we started dating, then we decide to live together." The Petitioner claimed that he moved into an apartment in August 2015, and C-N- and her son moved in fully in November 2015. The Petitioner stated that he and C-N- "fell in love with each other" and that they "decide[d] to get married and live the rest of [their lives] together." The Petitioner stated that he introduced C-N- to his parents and that he was introduced to C-N-'s family as well. The Petitioner discussed the night of their ceremony, which took place at a courthouse, and was attended by friends and family of both the Petitioner and C-N-. The Petitioner stated that following the ceremony everyone went to dinner, and they received some gifts.

The Petitioner's initial statements do not address his marriage ceremony with C-N- which took place in [redacted] however, he addresses this in a supplemental statement in response to the Director's request for evidence (RFE). In that statement, he claimed that "she offered the idea of getting married while we were there," and that he, "was so happy and delighted and welcomed the idea of marrying the beautiful girl who stole [his] heart and made [him] fall in love." The Petitioner further indicated that he attempted to convince C-N- to move to Australia with him, where he had been the owner of a restaurant, but C-N- refused. Also in this supplemental statement, the Petitioner claimed that after they returned from [redacted] he frequently traveled to C-N-'s mother's home, where C-N- was residing, to visit C-N- and her son, until they were able to find an apartment together.

In support of the Petitioner's statements, he submitted a letter from S-B-, C-N-'s stepmother. S-B- stated that, "[i]n the beginning when they came back from [redacted] they were looking for their own apartment. [The Petitioner] used to come to [S-B-'s] house . . . to spend time with [C-N-] and her son . . . [S-B-] was helping [C-N-] take care of her baby and so did [the Petitioner] every time he came over." S-B- stated that after November 2015, C-N- moved into the apartment with the Petitioner.

The Petitioner additionally submitted letters from A-G-, C-N-'s stepsister. A-G-'s statements echoed those of S-B-, as she also resided in S-B-'s home when the Petitioner and C-N- met, again reiterating that the Petitioner frequently came to their house to help C-N- take care of her son. In an additional letter, A-G- discussed the [redacted] 2016 marriage ceremony between the Petitioner and C-N- and indicated that she had met some of the Petitioner's friends, and they all went to dinner after the ceremony. A-G- stated that, "they were living happily and we used to always have dinners together on weekends and watch movies and stuff." Both A-G- and C-F-, C-N-'s biological sister, discussed one event where both families were meeting to have dinner, and that the Petitioner's parents had come to visit from Egypt. In another statement, from A-E-, the Petitioner's friend, A-E- indicated how much the Petitioner sacrificed in Australia to stay in the United States and be married to C-N-. A-E- stated that he also attended the [redacted] 2016 ceremony with C-N-'s family and friends.

In addition to these statements, the Petitioner submitted further documentary evidence, which included joint utility bills, joint vehicle insurance, and joint bank account statements, among others. The Petitioner additionally submitted copies of Forms IRS-1040, Individual Tax Return, and California eFile Return Authorization for Individuals, which they completed jointly and indicated was filed electronically for the year 2016. The Director denied the petition, finding, in pertinent part, that the Petitioner had not demonstrated that he married C-N- in good faith. In particular, the Director determined that the evidence submitted lacked probative details and insight regarding the marital relationship.

On appeal, the Petitioner submits a brief, refuting the Director's determinations that the evidence submitted was not sufficient to show that he married C-N- in good faith. While the Petitioner was able to submit a large amount of documentary evidence with his petition, the presence of the documentary evidence alone is insufficient to overcome the Director's determination. In both statements submitted by the Petitioner, he does not provide relevant, probative details about his courtship and intentions with C-N-, or about their lives after they were married, and instead focuses mainly on the beginning of the relationship, and near the end when C-N-'s behavior turned abusive. The supplemental letters provided by friends and family corroborate some of the details provided by the Petitioner; however, they all discuss the same specific events, such as the Petitioner visiting C-N- at her stepmother's home, and again do not provide relevant, probative details about the couple's married life. 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).

In his brief on appeal, the Petitioner states that the Director failed to account for the fact that some evidence may be unavailable to VAWA self-petitioners, and notes that certain evidence from their marriage ceremonies was destroyed by C-N-. However, the absence of this evidence would not weigh as heavily if the Petitioner's testimony in his letters had provided probative, credible details beyond a small number of occasions during his nearly three-year relationship with C-N-. Regarding the third-party letters, the Petitioner argues that they are not vague, and do provide insight into their relationship. As mentioned above, while the letters discuss certain specific times in the Petitioner's relationship, they echo similar events or incidents, and do not provide significant insight into the Petitioner's married life with C-N-. Finally, the extremely brief nature of the Petitioner's courtship with C-N- prior to their initial marriage ceremony in [REDACTED] approximately a month after meeting and a month after his arrival to the United States—and so near to the finalization of his divorce in Australia that the Petitioner and C-N- were required to have a second marriage ceremony—raises further questions about the legitimacy of their marriage and the Petitioner's statements that he would have preferred to return to Australia. As such, the Petitioner has not demonstrated by a preponderance of the evidence that he married C-N- 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).

The Director further determined that the Petitioner had not demonstrated that he shared a residence with C-N-, as required by section 204(a)(1)(A)(iii)(II)(dd) of the Act. As the Petitioner's inability to establish that he married C-N- in good faith is dispositive of his appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments on this issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25

(1976) (“courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

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 under VAWA.

ORDER: The appeal is dismissed.