



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

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

In Re: 19386874

Date: JUN. 7, 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 initially approved the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition) and subsequently revoked approval, upon notice. The matter is now before us on appeal.

On appeal, the Petitioner submits a brief and asserts that he has established eligibility for the benefit sought. The Administrative Appeals Office (AAO) 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 self-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).

The burden of proof is on an applicant to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.11(d)(5); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). 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).

Pursuant to section 205 of the Act, 8 U.S.C. § 1155, the Director may revoke the approval of any petition approved under section 204 of the Act, for "good and sufficient cause." The regulations

provide for revocation upon notice to the petitioner “when the necessity for the revocation comes to the attention” of the Director. 8 C.F.R. § 205.2.

II. ANALYSIS

The Petitioner, a native and citizen of Moldova, married his U.S. citizen spouse, H-G-,¹ in [redacted] 2014. He filed a VAWA petition in 2014 and it was approved in 2015. The Petitioner filed a Form I-485 based on the approved VAWA petition, and appeared before the Chicago Field Office for an interview. The Field Office subsequently returned the Petitioner’s file to the Vermont Service Center to consider revocation of the approval of the VAWA petition due to material discrepancies revealed during the interview. The Director notified the Petitioner of the derogatory evidence in the record with a notice of intent to revoke (NOIR) and provided an opportunity to submit additional documentation to establish eligibility for the benefit sought. The NOIR explained that the record lacked sufficient evidence to establish the Petitioner’s joint residence with H-G-, that he was subjected to battery or extreme cruelty during the marriage, and that he entered into marriage with H-G- in good faith. In response, the Petitioner submitted a second personal affidavit, third-party affidavits of support, internet printouts, and copies of the previously submitted car insurance policy and bank statements.

The Director revoked approval of the VAWA petition, determining that the Petitioner did not establish a good faith marriage to H-G-, joint residence with his spouse, or that he was subjected to battery or extreme cruelty during the marriage. The Director’s decision describes the facts and the procedural history of the Petitioner’s case in great detail, and we incorporate it by reference here. The Director determined, in pertinent part, that the affidavits were vague and lacked probative details about the Petitioner’s courtship with H-G-, time spent together, and significant events in the relationship, and the bank statements and insurance documents did not demonstrate shared financial responsibilities or commingled funds that are indicative of a good faith marriage.

On appeal, the Petitioner submits a brief and asserts the Director erred in concluding he did not enter into marriage in good faith and suffer from physical, emotional, and psychological harm, and mischaracterized his testimony regarding his residency. The Petitioner contends, in pertinent part, that the previously submitted evidence, such as the bank statements and car insurance policy, demonstrate a commingling of financial resources and reflect activities associated with a normal marital relationship. He argues that the submitted statements show H-G- used the credit card in addition to the Petitioner because a significant portion of the transactions are at establishments which cater to female clientele, it is highly improbable that the Petitioner made those purchases, and the only other person authorized to use his credit card was his spouse. The Petitioner states that he paid for the car insurance policy that covered him and H-G- and he asserts that while the bank statements show limited activity, they do reflect that he and his spouse engaged in activities, such as dining out and bowling, that are associated with a normal marital relationship.

Upon *de novo* review, the Director had good and sufficient cause to revoke approval of the VAWA petition because the Petitioner has not established by a preponderance of the evidence that he married H-G- in good faith. The Director may revoke the approval of any petition approved under section 204 of the Act “at any time” for “good and sufficient cause.” Section 205 of the Act. The Board of

¹ Initials are used to protect the privacy of this individual.

Immigration Appeals (the Board) has held that the “good and sufficient cause” standard in revocation is met where a NOIR includes a specific statement of the facts and supporting evidence underlying the proposed action. *Matter of Esteime*, 19 I&N Dec. 450, 451-52 (BIA 1987). Here, the Director, through a NOIR, informed the Petitioner that the record lacked sufficient evidence to establish his eligibility and provided him with a detailed summary of the derogatory information in the record. The Petitioner was given an opportunity to respond and submit additional evidence. However, the documentation provided in response to the NOIR was not sufficient to demonstrate the Petitioner’s eligibility by a preponderance of the evidence.

In this regard, the Petitioner’s affidavits address his initial courtship with H-G- in a vague and general manner, describing how he met her at a restaurant in February 2014; they started dating and would go to restaurants, movies, and bowling; H-G- was beautiful and treated him really nicely; and he proposed to her in May 2014. The Petitioner’s affidavits offer little insight into the relationship prior to and during their marriage and do not contain sufficient detail demonstrating his intent in entering marriage with H-G-. The third-party affidavits are similarly vague regarding the Petitioner’s courtship and marriage to H-G- and do not provide detailed and specific descriptions of shared experiences and interactions between the Petitioner and H-G-. In whole, these affidavits do not sufficiently demonstrate the Petitioner’s intention in entering marriage or the *bona fides* of his marital relationship. The Petitioner has not submitted additional evidence on appeal addressing his good faith intention to marry H-G-. We further concur with the Director that the submitted car insurance policy and bank statements do not demonstrate shared financial responsibilities or commingled funds that are indicative of a good faith marriage because they reflect minimal transactions related to shared financial responsibilities and capture limited interactions between the Petitioner and H-G-. Based on the foregoing, a review of the record reflects that the Director’s revocation of approval of the Petitioner’s VAWA petition was proper.

The Director further concluded that the Petitioner had not met his burden of establishing his joint residence with H-G- and that he was subjected to battery or extreme cruelty during the marriage, as required under sections 204(a)(1)(A)(iii)(II)(dd) and (III)(bb) of the Act. Since the identified basis for revocation is dispositive of this matter, we decline to reach and hereby reserve the Petitioner’s arguments regarding whether he has also demonstrated joint residence and that he was subjected to battery or extreme cruelty. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that “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). Accordingly, the appeal will be dismissed and approval of the VAWA petition will remain revoked.

ORDER: The appeal is dismissed.