



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

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

In Re: 18410118

Date: JUN. 15, 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 now before us on appeal.

On appeal, the Petitioner submits a brief along with photocopies of previously provided documentation 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).

II. ANALYSIS

The Petitioner is a native and citizen of India who married his now former spouse J-W-,¹ a U.S. citizen, in [] 2014. He filed a VAWA petition in March 2017 based on a claim of battery and extreme cruelty perpetrated by J-W- during their marriage.

A. Good Faith Marriage

The Director acknowledged the Petitioner's submission of the following evidence: a marriage certificate and divorce decree, personal affidavits, tax documentation, evidence of joint auto insurance policies with at least two companies, a lease agreement and eviction notice, evidence of joint bank account statements, medical insurance, utility and credit card billing statements, and third-party affidavits from friends and acquaintances. However, after reviewing and considering such evidence, the Director determined that the Petitioner did not establish by a preponderance of the evidence that he married J-W- in good faith. The Director noted that the Petitioner's personal statement was general in nature and he did not provide a timeline or details about his domestic shared life with J-W-. Similarly, the Director concluded that the affidavits submitted from friends and acquaintances did not provide sufficiently detailed information regarding the Petitioner's relationship with J-W- other than expressing general knowledge of their relationship. Specifically, the Director noted that the affidavits did not give detailed narratives supporting the Petitioner's claim to have entered into his marriage with J-W- in good faith with the intent of forming a life together. Although the Director noted the Petitioner's submission of bank statements indicating a joint account was established for him and J-W-, there was insufficient evidence to establish that they both had access to the funds in the account. With regard to the joint health insurance policy submitted, the Director stated that the policy was established almost two years into the marriage in February 2016. The Director further noted that the auto insurance cards submitted included the names of both the Petitioner and J-W- but there were no actual policies submitted along with the cards to show that an actual policy existed and/or when the insurance coverage was effective. The Director further stated that other utility statements submitted in both names appeared to indicate that the bills were past due. Finally, the Director stated that although credit card statements and associated credit cards indicated that both J-W- and the Petitioner shared an account, there was no detailed transaction history provided.

On appeal, the Petitioner submits a brief and asserts the Director erred in concluding he did not enter into his marriage in good faith. The Petitioner recounted in his personal statement that he met J-W- in August 2013 at [] in [] Texas, and they "hit it off" as they found it easy to converse about different topics such as business, world history, and politics. The Petitioner asserted that J-W- "knew a lot about India so our conversations were easy and flowing" and they seemed to have a lot in common so they scheduled "a few lunches" to continue their chats before they really started dating exclusively. Once they began dating exclusively, the Petitioner explained that they would often go to the movies after having dinner at any one of many restaurants they would frequent because they both enjoyed different types of cuisine. The Petitioner also stated that J-W- was always interested in going to the animal shelter with him when he was working as a volunteer. He recounted that despite some cultural differences he was very attracted to J-W- and he "grew fond of her children quickly." The Petitioner explained that he is an only child from a nuclear family where marriage is viewed as sacred

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

and a very serious thing, and he was lucky that his parents did not impose an arranged marriage on him as many families do in Indian culture but instead “they gave me their blessing for being happy and in love.” He stated that he proposed to J-W- at her birthday party at [redacted] in [redacted] and they had a short engagement and “elected to forgo traditional steps [such as] engagement photoshoots, bridal showers, bachelor parties and even an actual ceremony.” The Petitioner asserted that he and J-W- were married at a courthouse in [redacted] Texas, and neither of them “had family available” so their “after celebrations were private” and they had dinner at a restaurant in [redacted] and had cake with her kids.

The Petitioner contends that the previously submitted evidence, which we reference above, demonstrates his initial intent to live with J-W- as husband and wife and shows that he entered the marriage in good faith. No new evidence or additional details have been provided by the Petitioner on appeal regarding his courtship and marriage to J-W-.

The affidavits from friends and acquaintances of the Petitioner offer little insight into his relationship with J-W- prior to and during their marriage and do not contain sufficient detail demonstrating his intent in entering marriage with J-W-. Moreover, these affidavits are vague regarding the Petitioner’s courtship and marriage to J-W- and do not provide detailed and specific descriptions of shared experiences and interactions between the Petitioner and J-W-. In whole, these affidavits do not sufficiently demonstrate the Petitioner’s intention in entering marriage or the *bona fides* of his marital relationship. As noted above, the Petitioner has not submitted additional evidence on appeal addressing his good faith intention to marry J-W-.

With regard to the Petitioner’s personal statements concerning his courtship of and marriage to J-W-, we observe a similar lack of detail. We acknowledge that his personal statements contain some details regarding their courtship, such as the specific location where they met, particular movies they saw, and some details of his proposal to her and their subsequent engagement. However, the Petitioner’s personal statements do not speak to or contain documentation of his intentions in marrying J-W- or sufficient detail to establish, by a preponderance of the evidence, that he entered into his marriage with her in good faith. For example, the Petitioner stated that his parents in India consider marriage to be a sacred and very serious thing but he then indicates that they gave him their blessing without ever having met J-W-. The Petitioner provided no additional detail regarding how he conveyed the news of his marriage to his parents and what their reaction was to the news. We also note that although the Petitioner stated that he “grew fond of her children quickly” he does not explain when, where, or how he met J-W-’s children, what sort of relationship he had with them, or their impact on his relationship with and decision to marry J-W-. Similarly, the Petitioner generally provides that he and J-W- “hit it off” and that he was attracted to and in love with J-W-, but does not give any additional details to provide insight into their courtship or what led him to decide to marry J-W-. Further absent is any statement from the Petitioner regarding what type of work (if any) J-W- did to earn money during their courtship and marriage, other shared experiences between them, or specific details regarding their marital routine. Based on the foregoing, we conclude there is not sufficient detailed information provided to demonstrate that the Petitioner married J-W- in good faith. Therefore, our *de novo* review of the record reflects that the Director’s decision to deny the VAWA petition on this basis was proper.

B. Joint Residence

The Director also concluded that the Petitioner had not met his burden of establishing his joint residence with J-W-, as required under section 204(a)(1)(A)(iii)(II)(dd) of the Act. Since the Petitioner's not demonstrating through sufficient evidence that he entered into the marriage with J-W- in good faith is dispositive in this matter, we decline to reach and hereby reserve the Petitioner's arguments regarding whether he has also demonstrated joint residence. *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).

III. CONCLUSION

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

ORDER: The appeal is dismissed.