



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

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

In Re: 17018506

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 under the Violence Against Women Act (VAWA) provisions codified in the Immigration and Nationality Act (the Act) at section 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii), as an abused spouse of a U.S. citizen. The Director of the Vermont Service Center denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition). The matter is now before us on appeal. On appeal, the Petitioner submits evidence and a brief asserting his eligibility. The Administrative Appeals Office 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 petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if they demonstrate they entered into the marriage in good faith and were battered or subjected to extreme cruelty perpetrated by the spouse. Section 204(a)(1)(A)(iii)(I) of the Act. The petitioner must also 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. 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). While we must consider any credible evidence relevant to the VAWA self-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 was admitted to the United States in B-2 nonimmigrant status in February 2015. He married a U.S. citizen, J-H-,<sup>1</sup> in [ ] 2015. In November 2017, he filed the instant VAWA petition based on his marriage to J-H-, claiming that she engaged in abusive behavior. They separated in September 2017 and divorced in [ ] 2018. The Director denied the VAWA petition, concluding that the Petitioner had not demonstrated that he resided with J-H- during their marriage, entered into marriage with her in good faith, or is a person of good moral character.

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<sup>1</sup> Initials are used throughout this decision to protect the identity of the individual.

The Director initially reviewed several pieces of evidence in determining that the Petitioner did not establish he resided with J-H- or entered into a good faith marriage with her. Specifically, the Director addressed the Petitioner's affidavit, marriage certificate, photographs, 2016 unsigned joint tax return, insurance document, and bank account agreement. The Director noted that the Petitioner's affidavit lacked probative details, including insight into the dynamics of his marriage and claimed joint residence. In addition, the Director stated that a legal marriage does not by itself establish the existence of a good faith marriage, photographs cannot establish intentions for entering into a marriage, there is no evidence the unsigned tax return was filed with the Internal Revenue Service, the insurance document held no evidentiary weight as it was dated after the Petitioner resided with J-H-, and the bank account agreement was only signed by J-H-.

The Director issued a request for evidence (RFE) and the Petitioner submitted another affidavit, a third-party affidavit, letters from an apartment manager, a lease, cancelled checks, a request for tax return copy, tax transcripts, paystubs, bank account statements, and gas bills. The Director noted the updated affidavit did not sufficiently detail how the relationship developed or substantively describe positive shared experienced before or during their marriage, and the third-party affidavit did not provide further substantive information regarding the marriage. The Director addressed the apartment manager letters, cancelled checks, and lease, finding they held little evidentiary weight in demonstrating the Petitioner's joint residence with J-H- as they referenced an address in [redacted] Indiana, which was inconsistent with addresses listed on the VAWA petition ([redacted] Indiana) and his affidavit ([redacted] Indiana).

Additionally, the Director found that the Petitioner's paystubs from 2019 and gas bills from October and December 2017 held no evidentiary weight as they were issued after he claimed he resided with J-H-. The joint bank account statements did not contain financial transactions generally associated with a household account. The Director found the 2016 tax transcript, which reflects a married filed jointly tax return, insufficient as it can be obtained by filing the appropriate forms.

Finally, the Director stated the Petitioner did not submit any evidence to establish good moral character. In response to the RFE, the Petitioner only submitted a records check from the [redacted] Police Department. The Director stated that the Petitioner also indicated he lived in [redacted], IN, [redacted] IN, and the Kingdom of Jordan within three years of filing the VAWA petition, and therefore he did not provide satisfactory evidence to demonstrate he met the good moral character requirement.

On appeal, the Petitioner claims that the Director improperly weighed the evidence provided and he now submits an updated affidavit, affidavits from J-H-'s father, J-H-'s cousin, his friend, and his former employer; criminal dispositions from Jordan, the [redacted] Sheriff's Department in [redacted], and the [redacted] Police Department; and motel receipts from trips with J-H-.

The Petitioner claims that his prior affidavits provided adequate details of his marriage. However, the Director correctly found that they did not sufficiently detail how the Petitioner's relationship developed with J-H- or substantively describe positive shared experienced before or during their marriage. Upon *de novo* review, the Petitioner's updated affidavit does not address these deficiencies. In the alternative, the Petitioner has included affidavits from others familiar with his marriage and relationship with J-H-. J-H-'s father states that he met the Petitioner on the day he married J-H-, they

had a real marriage, the Petitioner was friendly with J-H- and her children, and he enjoyed hunting with him. J-H-'s cousin states that it was a real marriage, she attended their wedding, she and her husband spent time with them, she lived near them, they would celebrate birthdays and holidays together, and they went bowling together. A former coworker mentions meeting J-H- at work dinners and holiday parties, their families spending time together shopping and bowling, and her abusive behavior towards the Petitioner. The Petitioner's former employer relates that J-H-would pick the Petitioner up from work and attend work parties. He also describes her abusive behavior towards the Petitioner. We note that the affidavits provide little substantive information regarding the marriage of the Petitioner and J-H-, such as where it occurred or any details of the event, and minimal information of their courtship, marriage, and relationship. Similarly, the affidavits do not provide sufficient detail of their shared routines and activities of daily living apart from those noted above.

The Petitioner addresses the joint bank account statements with J-H-, claiming that they reflect routine household purchases, his name was not on the account as he did not have a social security number at the time, and his name was added to the account at a later date. However, the Petitioner has not provided supporting evidence that he was added to the account. Lastly, the Petitioner mentions that although the 2016 tax return was not signed and given weight by the Director, the 2016 tax transcript shows that they jointly filed as married. While we acknowledge this as evidence that he filed a joint tax return for 2016, we also recognize that the address listed appears to be the [redacted] address, which is inconsistent with prior statements about his residence at that time.

In regard to where the Petitioner resided with J-H-, he states that he first lived with her at the [redacted] address and then the [redacted] address. On his VAWA petition, the Petitioner provides that he started living with J-H- in November 2015 and resided at the [redacted] address from January 2016 until September 2017, the time they separated. Although the Petitioner previously provided evidence that he lived at the [redacted] address with J-H-, he now claims that he signed a lease for the [redacted] address to help his friends, who did not qualify for an apartment, and he wanted to get his mail there temporarily, as he was concerned about J-H-'s brother tampering with his mail at the [redacted] address. However, the Petitioner does not explain why the October 2017 letter from the assistant property manager of the [redacted] address states that he resided there since November 2015. Furthermore, on his Form I-485, Application to Register Permanent Residence or Adjust Status, dated December 2017, the Petitioner provided that he lived at the [redacted] address from November 2016 to present. Adding further inconsistency, the motel receipts for the Petitioner and J-H- dated July and October 2016, and November 2017, list the [redacted] address, which the Petitioner previously noted they only resided at from November 2015 until January 2016.

Due to the lack of probative information in the affidavits showing that the Petitioner entered into a good faith marriage, as described in detail above, the lack of documents establishing a shared life with J-H-, and the numerous inconsistencies related to where he and J-H- resided during their marriage, the Petitioner has not established by a preponderance of the evidence that he entered into marriage with J-H- in good faith or resided with her during their marriage.

As we determined that the Petitioner has not established by a preponderance of the evidence that he resided with J-H- during their marriage and entered into marriage with her in good faith, we decline to reach and hereby reserve the Petitioner's arguments regarding whether he is a person of good moral character. 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).

**ORDER:** The appeal is dismissed.