U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 21283535

Date: JUN. 29, 2022

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Abused Spouse or Child of U.S. Citizen

The Petitioner sought 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) in 2010, but revoked the approval in 2015, concluding that the Petitioner did not establish she married her spouse in good faith or resided with him, as required. The Director subsequently dismissed a motion to reopen and reconsider. In 2017, we dismissed the Petitioner's appeal as well as four motions to reopen and reconsider in 2017, 2018, 2020, and 2021, also concluding that the Petitioner did not meet her burden of establishing that she entered into her marriage in good faith or jointly resided with her spouse, and that the Director's revocation of the VAWA petition was proper. Each of these decisions are hereby incorporated by reference.

The matter is now again before us on a motion to reopen and reconsider. On motion, the Petitioner submits a brief, and re-submits a copy of a previously submitted 2014 affidavit from B-V-[1], along with a new affidavit from T-V- who identifies himself as the Applicant's former father-in-law. In the new December 2021 affidavit submitted with the instant motion, T-V- states the following:

> I am writing this letter on behalf of my former daughter-in-law [Petitioner]. I remember one time, several years ago, around 2005, when my son [B-V-] came with [Petitioner] at the house, to get an oil change for her car. I like to work on cars, and I was happy to do that for them, and to check the car for any other issues. She was driving a black Chevrolet at the time.
>
> I remember noticing how sweet and kind she was with [B-V-], you could tell that she cared for him, and that she wanted to be part of the family. They both looked happy, they were talking and smiling, telling jokes.

[1] We use initials to protect the identities of the individuals in this case. B-V- is the Petitioner's former spouse, who described their marriage in vague terms in the 2014 affidavit. B-V- provided sparse details by stating that he and the Petitioner met in the fall of 2014, dated briefly before marrying in [redacted] 2014, but then a few months into the marriage "it felt like a trap" and he thought that the short courtship is what led to the breakdown of their marriage.

> I believe they entered the marriage in good faith and supported their marriage, but unfortunately they fell out of love. I am sorry their relationship did not work out, and I wish her all the best in the future.

Upon review, we will deny the motions.[2] Despite the submission of a new affidavit with the instant motion, the Petitioner has not submitted evidence of new facts pertaining to her eligibility, and she does not show that our previous decision was based on an incorrect application of law or USCIS policy, as required. *See* 8 C.F.R. §§ 103.5(a)(2) and (3). Rather, the Petitioner repeats the same arguments she previously made which we have addressed in our prior decisions. Specifically, the Petitioner again contends that the Director used a letter which does "not exist" and therefore utilized inferences and circumstantial evidence to justify an incorrect decision. The Petitioner states that "the existence of possibly false documents in the file is not proof that the marriage is fake." We directly addressed, and rejected, these arguments in our prior decisions which we adopt and affirm here. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) ("we join eight of our sister circuits in ruling that the Board [of Immigration Appeals] need not write at length merely to repeat the IJ's [Immigration Judge's] findings of fact and his reasons for denying the requested relief, but, rather, having given individualized consideration to a particular case, may simply state that it affirms the IJ's decision for the reasons set forth in that decision."). We note, briefly, that among other things, the Director's decisions and our prior decisions discussed, at length: vehicle registration records and car insurance policies; bank account and credit card statements; letters and emails from friends, associates, and a property manager; tax returns; photographs; a psychological evaluation; and a utility bill. As we determined in our first decision dismissing the Petitioner's appeal, and have reaffirmed in four motions to reopen and reconsider following: the Petitioner's personal statements and other evidence submitted did not provide sufficient information regarding the dynamics of her relationship with her spouse prior to and during their marriage, their courtship, engagement, marriage ceremony, her intentions when she married him, their purported joint residence, shared belongings, or their marital routines; and J-R-'s 2016 affidavit did not address whether the Petitioner's marriage was entered into in good faith. Additionally, with regard to the 2021 affidavit submitted with the instant motion, we conclude that this document is similarly vague and lacks specific details regarding the Petitioner's intentions in marrying B-V- and therefore is of limited evidentiary value. Considering all of the evidence in its entirety, the record continues to be deficient in establishing that the Petitioner married her spouse in good faith or that they resided together. The Petitioner has not met her burden of establishing eligibility for immigration classification under VAWA. Accordingly, the Director's revocation of the approval of the VAWA petition was proper.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

[2] We again state that a motion to reopen is based on documentary evidence of *new facts*, and a motion to reconsider is based on an *incorrect application of law or policy*. The requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2), and the requirements of a motion to reconsider are located at 8 C.F.R. § 103.5(a)(3). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.