



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

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

In Re: 18238649

Date: MAY 10, 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 parent of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified in the Immigration and Nationality Act (the Act) at section 204(a)(1)(A)(vii), 8 U.S.C. § 1154(a)(1)(A)(vii). The Director of the Vermont Service Center denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition), and the matter is before us on appeal. We review the questions in this matter de novo. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will remand the appeal.

## **I. LAW**

A petitioner who is the parent of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, among other requirements, that he or she was battered or subjected to extreme cruelty perpetrated by their daughter or son. Section 204(a)(1)(A)(vii) 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 U.S. Citizenship and Immigration Services (USCIS) 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 Mexico who filed her VAWA petition in November 2018. Part 2 of the VAWA petition indicated that the Petitioner seeks classification as “VAWA self-Petitioning Parent of a U.S. citizen son or daughter.” The Petitioner also submitted documents, including a personal statement, in support of her claim that her U.S. citizen child abused her. The Director denied the petition, finding that the Petitioner did not establish her eligibility as a self-petitioning child. As the VAWA petition and supporting documents demonstrate that the Petitioner seeks classification as an abused parent of a U.S. citizen, and the Director’s decision did not address or analyze this claim, we remand for the Director to determine whether the Petitioner has met her burden of establishing her eligibility for immigrant classification under VAWA as an abused parent of a U.S. citizen.

**ORDER:** The decision of the Director is withdrawn, and the matter is remanded for entry of a new decision consistent with the foregoing analysis.