



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

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

In Re: 20648457

Date: MAY 11, 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 in the Immigration and Nationality Act (the Act) at section 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii). 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. Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

A petitioner who is the spouse of a United States citizen may self-petition for immigrant classification if the petitioner demonstrates that they entered into the marriage with a United States citizen spouse in good faith and that during the marriage, the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii)(I) of the Act; 8 C.F.R. § 204.2(c)(1)(i). In addition, petitioners must 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; 8 C.F.R. § 204.2(c)(1)(i). 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).

**II. ANALYSIS**

The record reflects that the Petitioner is a native and citizen of the Dominican Republic who entered the United States in 1992 without admission. In 1994 she married her U.S. citizen spouse, D-A-R-,<sup>1</sup> with whom she indicates she resided from 1994 until 1999, and she filed her VAWA petition in August 2019.<sup>2</sup> With the petition she submitted personal affidavits, letters of support, a mental health examination, civil documents, and photographs. The Director denied the petition finding that the Petitioner did not establish that she was battered or subject to extreme cruelty by her U.S. citizen spouse, that she resided with him, or that she entered into the marriage in good faith. On appeal, the Petitioner submits an updated affidavit.

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<sup>1</sup> We used initials to protect individual identities.

<sup>2</sup> The record shows that a Form I-130, Petition for Alien Relative filed by D-A-R- was denied in 1997.

In her affidavits below, the Petitioner explained that she met D-A-R- at a party and they were initially only friends, but they began a relationship and went to movies, dance clubs, beaches, and family parties together. She asserted they were in love and the relationship was going well, so they decided to marry in New York in 1994 and moved together into an apartment in [REDACTED]. She stated that D-A-R- was a calm person and there were no problems, but that problems came over time because he wanted to return to his family in Puerto Rico. The Petitioner asserted that D-A-R- started having bad moods, controlling her behavior, becoming jealous of others, playing mind games, getting angry for no reason, and abusing her verbally to where she began having anxiety and depression. She stated that D-A-R- then returned to his family in Puerto Rico, telling the Petitioner he would not return.

The mental health examination indicated that the Petitioner reported the relationship with D-A-R- as stable for four years until he began distancing from her, told her he wanted to be with his children in Puerto Rico, and gave her an ultimatum to go with him; he then abandoned her; and the couple has not communicated for several years. The examination indicated that the Petitioner has health problems requiring ongoing medical care and fears she cannot pay for care in the Dominican Republic, her health condition will decline, and she will have financial challenges as she supports her mother and daughter. The examination concluded that the Petitioner experiences anxiety disorder and sleep disturbance due to her abandonment and separation from D-A-R-.

Letters of support from friends of the Petitioner describe her as hardworking, responsible, and honest, but provided no observations about her relationship or marriage to D-A-R-.

In denying the petition, the Director noted the assertions in the Petitioner's affidavits but found the statements were vague and lacked detail. The Director concluded that the Petitioner did not provide specific incidents of how her spouse subjected her to abuse, did not demonstrate that her spouse attempted to control her through psychological means, and described behavior that did not constitute extreme cruelty. The Director further found that Petitioner's affidavits general and lacking probative detail to corroborate her claim of shared residence and that she offered minimal detail of their relationship, such as shared interests, experiences, values, and future goals, to demonstrate her intent in marrying. The Director also concluded that third-party statements were general and did not give probative details to corroborate the Petitioner's intent upon marrying and that photographs provided minimal insight into the couple's shared experiences important to show an intent to enter life together.

On appeal, the Petitioner states that she met D-A-R- in July 1993, she did not think much of him at the time but then met him again on other occasions, and they got to know each other and discovered they liked the same music and food. She recalls that they started dating in November 1993, he told her he had been married before and had children in Puerto Rico, but he said the Petitioner was most important, so they decided to marry in [REDACTED] 1994. The Petitioner describes their marriage as peaceful but states that things started to change and that after he asked her to move to Puerto Rico and she replied no, he began acting differently, calling her names, yelling at her if dinner was late or dishes not clean, and ordering her home immediately after work. The Petitioner maintains that D-A-R- did not want her to have a personal life and became jealous, and that she was afraid of him. She stated that in 2000 he packed and left, and she later heard that he returned to Puerto Rico. The Petitioner claims she still suffers psychological trauma as a result.

Upon review of the record we adopt and affirm the Director's decision. *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.”). The Petitioner’s arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet her burden of establishing she suffered battery or extreme cruelty from her U.S. citizen spouse, that she shared residence with him, or that she married in good faith.

On appeal, the Petitioner does not dispute the Director’s determination that her personal affidavits were vague and general without providing specific details. In her affidavit submitted on appeal the Petitioner offers some additional detail, but primarily reasserts the claims in her previous statements. The Petitioner does not allege any incidents of battery and states generally that after she refused to move to Puerto Rico with D-A-R- he began yelling at her and trying to control her, but she does not describe specific incidents. The Petitioner suggests that she and D-A-R- shared an apartment but does not describe the residence or detail a daily routine that supports a claim of joint residence. The Petitioner recalls meeting D-A-R- and beginning a dating relationship, but her statements are brief and general. Beyond noting that she and D-A-R- liked similar music and food, she does not depict their mutual interests or describe shared experiences, provide a description of a wedding ceremony and celebration, or offer details of their daily life and routine together leading up to or after their marriage to demonstrate that she entered the marriage in good faith. The Petitioner’s affidavits, letters of support from friends, and the mental health examination provide little insight into the Petitioner’s relationship with D-A-R- to support that she suffered extreme cruelty from him, shared residence with him, or entered the marriage with him in good faith. We recognize that the Petitioner’s relationship with D-A-R- was more than 20 years before the filing of her VAWA petition, but given that she claims they were together for more than five years, it is reasonable to expect she be able to provide additional detail.

On appeal, the Petitioner has not addressed the deficiencies noted by the Director and has not demonstrated that she is eligible for VAWA classification.

**ORDER:** The appeal is dismissed.