



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

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

In Re: 17746009

Date: MAY 23, 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. The Administrative Appeals Office (AAO) reviews 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 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). 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 Ghana who entered the United States in June 2014 with a B-1/B-2 nonimmigrant visa. In [REDACTED] 2015, he married his U.S. citizen spouse, Z-D-R-,¹ with whom he indicates he resided from February 2015 to May 2016. He filed the instant VAWA petition in November 2016. With the VAWA petition, he submitted a personal affidavit, financial records, civil

¹ We use initials to protect individual identities.

documents, and photographs. The Director issued a request for evidence (RFE), specifically requesting evidence of a qualifying relationship, residence with his former spouse, and good faith marriage. The Petitioner responded to the RFE with additional financial records, a letter from a friend, and additional photographs. The Director denied the petition, finding that the Petitioner did not submit sufficient evidence to establish that he resided with Z-D-R- and that he entered into the marriage in good faith. On appeal, the Petitioner submits a brief and additional evidence.

In his affidavit submitted below, the Petitioner stated that he met Z-D-R- at an African party in November 2014 and became friends. In February 2015, he stated that she found out that he was living in a hotel and, therefore, she asked him to move in with her. He stated that he lived with her for almost a month until he got enough money to rent his own place. In August 2015, he claimed that they started living together again and dating seriously. He further explained that he lost his job the same month they got married in [REDACTED] 2015. The Petitioner claimed that Z-D-R- was not happy with her job and insisted they move to Virginia where her mother lived. When they arrived in Virginia, he explained that they found out that Z-D-R-'s mother and brother were moving out of the house, and they had to stay in a hotel. The Petitioner further explained that after a week in Virginia, he returned to [REDACTED] and Z-D-R- stayed in Virginia to try to find a job. In January 2016, he stated that Z-D-R- returned to [REDACTED] and they lived with a friend in his living room. During tax season, the Petitioner explained that Z-D-R- returned to Virginia because she got a job offer but came back to [REDACTED] in May 2016. When she returned to [REDACTED] he stated that he was renting a room at a house until Z-D-R- kicked him out in May 2016. The Petitioner claimed that the physical, verbal, and mental abuse began when they were driving to Virginia. The Petitioner described Z-D-R-'s behavior, which included drinking, demanding money, burning him with a cigarette, cutting him with nail clippers, and throwing bottles and soup at him.

In denying the petition, the Director found evidence insufficient to establish that the Petitioner shared residence with Z-D-R- and entered into his marriage to her in good faith. The Director concluded that the Petitioner's personal statement, bank application and supplemental statements, car insurance document, life insurance application, postal service change of address for Z-D-R-, and affidavit from a friend were not sufficient to establish these requirements. The Director determined that the Petitioner's personal statement did not provide any probative details concerning their shared residence or courtship such as home furnishings, neighbors, daily routines, mutual interests, or their dating in detail. The Director also noted that the bank application and statements did not show any activity to demonstrate that they combined their finances. The Director further determined that the car insurance document is only addressed to the Petitioner and that Z-D-R- is an excluded driver. The Director also concluded that there was no evidence that the life insurance application was processed, or the insurance plan was established. Additionally, the Director determined that the affidavit from a friend was brief and did not provide detailed, specific information about his relationship with Z-D-R- and intentions when entering into the marriage. Moreover, the Director noted that U.S. Citizenship and Immigration Services (USCIS) contacted the landlord of the Petitioner's previous residence at [REDACTED] Drive in [REDACTED] and the landlord informed USCIS that he had never heard of the Petitioner and that a different person was residing at that address.

On appeal, the Petitioner provides additional evidence including accident insurance documents showing that Z-D-R- is the beneficiary and that he has made payments on the insurance from February 2016 to April 2016; his pay statements from December 2020, February 2021, and March 2021; his

daughter's birth certificate showing that he had a daughter with another woman in [REDACTED] 2017; copies of text messages between himself and M-R-, the person he claims he is renting a room from at [REDACTED] Drive; letters from friends; photographs that were previously submitted; and photographs of his daughter.

We adopt and affirm the Director's decision insofar as the Director determined the Petitioner has not established that he entered into marriage with Z-D-R- in good faith. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994) (noting that the "independent review authority" of the Board of Immigration Appeals (Board) does not preclude adopting and affirming the decision below (in whole or in part, when [the Board is] in agreement with the reasoning and result of that decision"); *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 [Immigration Judge's (IJ'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 documents submitted on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet his burden of establishing he married Z-D-R- in good faith. For instance, the letters from friends submitted on appeal are brief and they do not offer specific observations or details of the couple's relationship. Although some of the letters indicate having seen the couple at social gatherings, hanging out with the couple, or visiting their residence, the letters do not provide probative details of the relationship or shared experiences that would provide insight into the Petitioner's good-faith intentions in entering the marriage. The Petitioner's personal statement also does not establish that he entered into marriage in good faith as it focuses largely on Z-D-R-'s behavior after marriage with little insight into the development of their relationship leading to his decision to marry, description of a wedding ceremony, or details of their daily life and routine leading up to or after their marriage. Moreover, we acknowledge the accident insurance documents showing that the Petitioner has made payments on the policy; however, the documents show that he only made payments for three months from February 2016 to April 2016. In addition, the wedding photographs, without details as to the courtship, relationship, proposal, wedding preparations, etc., are insufficient to establish that the Petitioner married Z-D-R- in good faith. Further, the photographs showing that he had a daughter with another woman are not relevant to his good faith intentions in marrying Z-D-R-. The record, including that submitted on appeal, does not establish that the Petitioner entered into marriage in good faith by a preponderance of the evidence.

As noted, the Director also determined that the Petitioner did not demonstrate that he and Z-D-R- resided together, as required by section 204(a)(1)(A)(iii)(II)(dd) of the Act. As the Petitioner did not establish that he entered into the marriage with Z-D-R- in good faith by a preponderance of the evidence, we decline to reach and hereby reserve the Petitioner's appellate arguments on this issue. *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).

In conclusion, because the Petitioner has not established that he entered the marriage in good faith, he has not demonstrated that he is eligible for VAWA classification.

ORDER: The appeal is dismissed.