



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

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

In Re: 20915741

Date: MAY 25, 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 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 her 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 remand this matter for further proceedings consistent with this decision.

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, a native and citizen of Vietnam, filed the instant VAWA petition in June 2019 based on her marriage to P-T-,¹ a U.S. citizen. The Director denied the petition, concluding that the Petitioner did not establish, as required, that she entered into marriage with P-T- in good faith. The Director addressed the evidence presented initially and in response to a request for evidence (RFE) for this requirement. The Director noted that the marriage certificate did not provide insight into the intent of the Petitioner's relationship prior to the marriage and her subsequent marital relationship; the evidence of abuse did not provide probative details about the development of her relationship with P-

¹ We use initials to protect the privacy of individuals.

T- prior to and during the relationship; P-T-'s Form I-129F, Petition for Alien Fiancé(e), approval and supporting evidence did not provide insight into the Petitioner's intent when entering the marriage; and the approval of the Form I-129F did not sufficiently demonstrate the Petitioner entered into the marriage in good faith for purposes of her VAWA petition. Lastly, the Director determined that the photographs did not provide insight into the intent in the Petitioner's relationship prior to the marriage or of her marital relationship, and the record lacked details of her courtship, engagement, wedding, relationship dynamics, lives, and marital experiences, other than the claimed abuse.

On appeal, the Petitioner provides a brief; an updated statement describing how she met P-T-, her courtship and engagement ceremony, and her marriage; email correspondence between the Petitioner and P-T-; statements from the Petitioner's friends related to her marital relationship and experiences with P-T-; airline tickets; and photographs of the Petitioner and P-T- on different dates and at various occasions.

The record reflects that the Petitioner has provided relevant evidence that the Director has not had the opportunity to review. As such, we will remand the matter to the Director to consider this evidence in the first instance and determine whether the Petitioner has established her eligibility for immigrant classification under VAWA.

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