

## Non-Precedent Decision of the Administrative Appeals Office

In Re: 20133830 Date: MAY 26, 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 under the Violence Against Women Act (VAWA) provisions codified at section 204(a)(1)(A)(iv) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iv), as a child battered or subjected to extreme cruelty by her U.S. citizen parent. The Director denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), and the matter is before us on appeal. Upon *de novo* review, we will remand the appeal

## I. LAW

A petitioner who is the child of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates that they battered or subjected to extreme cruelty perpetrated by the petitioner's citizen parent. Section 204(a)(1)(A)(iv) of the Act. In addition, a petitioner 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 parent, and are a person of good moral character.

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 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). 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).

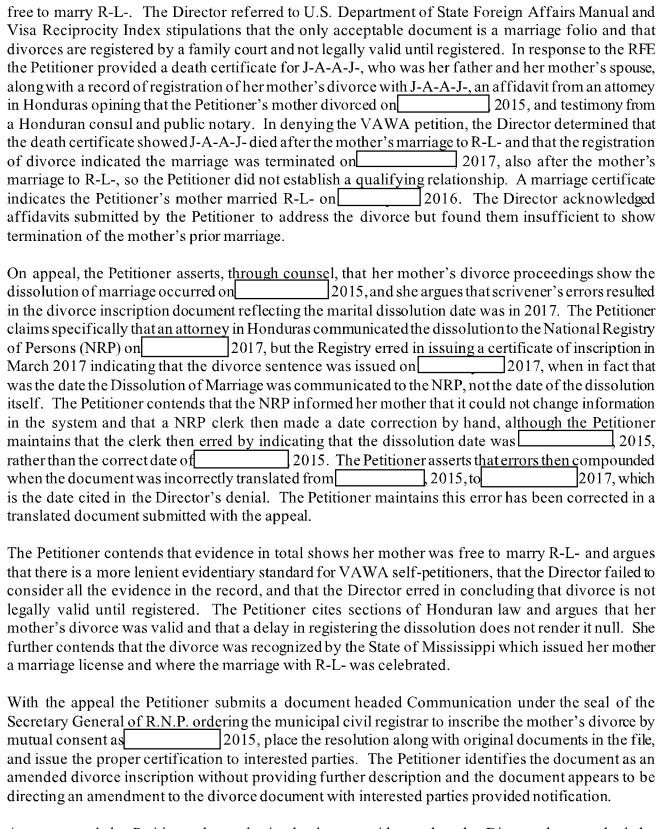
## II. ANALYSIS

The Petitioner filed her VAWA petition in May 2019 claiming abuse from her U.S. citizen stepfather, R-L-, with whom she claims she lived from August 2015 until January 2017. With the petition she submitted an affidavit from her mother, school records, medical reports, police reports, a psychological evaluation, civil documents, photographs, and letters of support.

The Director issued a request for evidence (RFE) indicating that the Petitioner had submitted court proceedings for her mother's divorce in Honduras but no divorce decree to show that her mother was

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<sup>&</sup>lt;sup>1</sup> We use initials to protect individual identities.



As on appeal the Petitioner has submitted relevant evidence that the Director has not had the opportunity to review, we will remand the matter to the Director to consider this evidence in the first

instance and determine whether the Petitioner has established that she had a qualifying relationship with a U.S. citizen and is otherwise eligible for immigrant classification under VAWA.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for consideration of new evidence and issuance of a new decision.