



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

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

In Re: 22510859

Date: SEP. 22, 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 at section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 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), concluding that the Petitioner did not establish he: (1) entered into the marriage with his U.S. citizen spouse in good faith; (2) resided with his U.S. citizen spouse; and (3) has been subjected to battery or extreme cruelty by his U.S. citizen spouse. The matter is now before us on appeal. On appeal, the Petitioner submits a brief and copies of previously submitted evidence.

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

An individual who is the spouse of a U.S. citizen may self-petition for immigrant classification under VAWA if the individual demonstrates, among other requirements, that they entered into the qualifying marriage to the abusive U.S. citizen spouse in good faith and not for the primary purpose of circumventing the immigration laws. Section 204(a)(1)(A)(iii)(I)(aa) of the Act; 8 C.F.R. § 204.2(c)(1)(i), (ix); see also 3 *USCIS Policy Manual* D.2(C), <https://www.uscis.gov/policy-manual> (explaining, in policy guidance, that the self-petitioning spouse must show that at the time of the marriage, they intended to establish a life together with the U.S. citizen spouse). Evidence of a good faith marriage may include documents showing that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; evidence regarding their courtship, wedding ceremony, shared residence, and experiences; birth certificates of any children born during the marriage; police, medical, or court documents providing information about the relationship; affidavits from individuals with personal knowledge of the relationship; and any other credible evidence. 8 C.F.R. § 204.2(c)(2)(i), (vii).

Further, a VAWA self-petitioner does not need to be living with the abusive spouse "when the petition is filed, but he or she must have resided with the abuser in the United States in the past." 8 C.F.R.

§ 204.2(c)(1)(v). Evidence of joint residence may include employment, school, or medical records; documents relating to housing, such as deeds, mortgages, rental records, or utility receipts; birth certificates of children; insurance policies; or any other credible evidence. 8 C.F.R. § 204.2(c)(2)(iii).

The burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Although 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).

## II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of India, last entered the United States in July 2016 on a nonimmigrant visitor visa, and married his U.S. citizen spouse, C-C-,<sup>1</sup> in Maryland in [REDACTED] 2016. He filed the instant VAWA petition in September 2019 based on a claim of battery and extreme cruelty by C-C-.

### A. Good Faith Marriage

In his statement before the Director, the Petitioner stated that he met C-C- “in or about December 2015” when he traveled to the U.S. to visit his family. He explained that his uncle was close friends with C-C-’s uncle and a couple of days after meeting at a liquor store, the families got together to celebrate the Christmas holiday, during which he and C-C- talked for several hours until he grew the courage to ask C-C- for her telephone number. He recalled that he found C-C- to be very attractive and “a sweet girl.” He explained that they went out to lunch for their first date and “talked and laughed for hours.” He stated that after their first date, they continued to talk on the phone, saw each other almost daily, and traveled to California together in January 2016. The Petitioner then stated that he returned to India in February 2016 but they continued speaking on the phone daily and he realized he “was falling in love with her.” He returned to the United States in July 2016 and proposed to C-C- in September 2016. He explained that she “immediately said yes” and he asked C-C- to move to Australia with him where he had a job, but she suggested he consider staying in the United States where her entire family lives.

The Petitioner then explained that when he told his family he wanted to marry C-C-, they were opposed to this marriage and only one of his cousins agreed to join him at his wedding. He stated that they decided to have a small civil ceremony in [REDACTED] 2016 and a reception afterward “with [C-C-’s] family, including her parents, friends[,] and extensive relatives.” He further stated that “it was a small ceremony but filled with happiness and love as [they] shared such an important day of [their] lives surrounded by loved ones.”

The Director denied the VAWA petition, concluding, in part, that the Petitioner had not demonstrated that he entered into the marriage with C-C- in good faith. The Director indicated that the evidence provided by the Petitioner, viewed in totality with the underlying record did not demonstrate they were married in good faith.

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<sup>1</sup> We use initials to protect the privacy of individuals.

On appeal, the Petitioner does not submit additional evidence. Instead, he cites to the “any credible evidence” standard applied to VAWA petitions and explains that C-C- “took and hid from him, his identity and other important documents” and refused to return them to him. He contends that “this corroborates [his] inability to provide immigration with bona fides of his marriage, as his wife abandoned him while taking all relevant documents with regards to his [VAWA] petition.”

Upon *de novo* review, the record does not support the Petitioner’s claim of good faith marital intentions. Although, as the Petitioner asserts, we consider any credible evidence, 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). Here, the Director considered all the relevant evidence but determined that they were insufficient to establish the Petitioner’s good faith marital intentions. The Petitioner’s statement before the Director generally discussed how he and C-C- met, provided some information about their relationship, and asserted his good faith marital intentions. Likewise, the Petitioner briefly addressed his wedding ceremony, stating that their civil wedding “was a small ceremony but filled with happiness and love as [they] shared such an important day of [their] lives surrounded by loved ones.” However, the statement lacks probative details regarding the Petitioner’s courtship and experiences with C-C- prior to their marriage, his proposal to C-C-, their wedding ceremony, any celebrations afterward, or their marital routines or shared experiences together to establish his good faith intentions in marrying C-C-.

In addition, the psychological assessment in the record likewise does not include substantive information about his shared experiences or relationship with C-C-, as reported to the counselor, to provide insight into the Petitioner’s marital intentions and is focused primarily on the Petitioner’s discussion of his mental state due to the abuse to which C-C- allegedly subjected him. Consequently, the evaluation is not sufficient to establish the Petitioner’s good-faith entry into marriage with C-C-.

The record lacks any other corroborating evidence pertaining to his intent in marrying C-C-, and any evidence to demonstrate the nature of their relationship. For example, the Petitioner has not provided signed property leases, income tax forms, bank accounts, affidavits of persons with personal knowledge of the relationship, or photographs of the couple together. *See* 8 C.F.R. § 204.2(c)(2)(vii) (providing a non-exhaustive list of the types of evidence that a VAWA Petitioner may provide to establish their good faith marriage to the abusive spouse). Although we acknowledge the Petitioner’s explanation for the scant documentary evidence, absent probative information from the Petitioner, his statement and the psychological evaluation offer little insight into and are insufficient to establish his good faith intentions in marrying C-C-. Additionally, although the Director specifically identified the lack of detail provided in the Petitioner’s statement, the Petitioner has not provided an additional statement or evidence on appeal to establish his intentions when marrying C-C-. As such, the Petitioner has not demonstrated by a preponderance of the evidence that he married C-C- in good faith. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (describing the petitioner’s burden under the preponderance of the evidence standard and explaining that in determining whether a petitioner has satisfied their burden, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence).

## B. Joint Residence

The Director also concluded, in part, that the Petitioner had not demonstrated that he resided with C-C-, as required by section 204(a)(1)(A)(iii)(II)(dd) of the Act.

On his VAWA petition, the Petitioner indicated that he married C-C- in [redacted] 2016 and that they resided together from [redacted] 2016 to November 2018, last residing together at their claimed marital residence in [redacted] Maryland. In his statement before the Director, the Petitioner stated that after their wedding, he and C-C- started living together in the basement of his cousin's house in [redacted] Maryland. He explained that they "only lived there some months" because his cousin's parents did not want C-C- living in his cousin's home as they were opposed to their marriage. He stated that they then moved into C-C-'s father's home in March 2017, in [redacted] Maryland and lived there "for several months until [they] found [their] own place." The Petitioner explained that around August 2017, he and C-C- finally rented their own apartment in [redacted] Maryland and lived together until C-C- abandoned their marital home around November 2018 and never returned.

The Petitioner also submitted a Residential Lease Agreement (lease) for the apartment in [redacted] [redacted] Maryland, dated August 2017, with a lease term of one year, commencing September 2017. While the lease listed both the Petitioner and C-C- as tenants, neither they nor the landlord signed the actual lease agreement. The Petitioner also provided an Asbestos Disclosure document and a Lead-Based Paint Disclosure document (disclosure documents) for the same premises, both listing the Petitioner and C-C- as tenants, and both dated August 2017, and signed by the landlord, the Petitioner, and C-C-.

In denying the petition, the Director specifically determined that the Petitioner's statement alone, or viewed in totality of the underlying record, did not provide probative details to establish eligibility for this requirement. The Director also noted that the information in the Petitioner's statement was not corroborated by the underlying evidence that he submitted.

On appeal, the Petitioner does not submit any additional evidence. Instead, the Petitioner again cites to the "any credible evidence" standard applied to VAWA petitions and explains that he is not required to demonstrate that primary or secondary evidence is unavailable. The Petitioner asserts, through counsel, that a copy of the actual lease agreement reflecting his and C-C-'s signatures is unavailable and "the intent of [an] apartment lease among the parties could be implied through the signed [Asbestos Disclosure] document submitted, as it described the property being leased [and] the name and signatures of both tenants and landlord." Counsel further asserts that as the Petitioner and C-C- "only lasted a matter of months at his cousin's residence and her father's home, he did not have enough time or the opportunity to gather joint documentation that reflected their family members' addresses" and instead provided "a detailed affidavit detailing the reason why they had relocated a couple of times during their marriage."

Upon *de novo* review, the record does not support the Petitioner's claim. The Petitioner submitted a statement generally discussing his and C-C-'s shared residential history, an unsigned lease for their last claimed marital residence, and two lease disclosure documents signed by him and C-C- listing that same residence. However, his statement before the Director does not provide specific, probative

details regarding their claimed marital residences and shared residential history and routines to substantiate his claim that he resided with C-C-. In the absence of probative testimony from the Petitioner, the unsigned lease and related disclosure documents are not sufficient to establish his shared residence with his spouse. Apart from the unsigned lease and disclosure documents listing him and C-C- as tenants, the Petitioner also provided no other documentary evidence of a shared address with C-C-. On appeal, the Petitioner does not specifically address the Director's findings regarding the deficiencies in his evidence of joint residence with C-C-, and instead only generally asserts that the evidence submitted should be sufficient and that the disclosure documents implied "the intent" of unsigned lease, as it described the property being leased and bore the Petitioner's and C-C-'s signature. We acknowledge the Petitioner's asserted difficulties in obtaining documentary evidence of his joint residence claim. However, as stated, the burden to establish eligibility under VAWA lies with the Petitioner. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. at 375. Here, as discussed, the Petitioner's statement and the supporting documentation submitted below offers little insight into his joint residence and residential history with C-C-. Again, although the Director specifically identified the lack of detail provided in the Petitioner's statement and the deficiencies in the relevant supporting evidence, the Petitioner has not provided an additional statement or any additional evidence establishing his joint residence with C-C- on appeal. As such, the Petitioner has not demonstrated by a preponderance of the evidence that he resided with his U.S. citizen spouse, as required.

### C. Battery or Extreme Cruelty

The Director further determined that the Petitioner has not demonstrated that he has been subjected to battery or extreme cruelty by C-C-, as required by section 204(a)(1)(A)(iii)(I)(bb) of the Act. As our findings that the Petitioner has not established that he married C-C- in good faith or that he resided with C-C- as required is dispositive of his appeal, 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 a Petitioner is otherwise ineligible).

## III. CONCLUSION

The Petitioner has not established that he married his U.S. citizen spouse in good faith or that he resided with his U.S. citizen spouse, as required. Consequently, he has not demonstrated that he is eligible for immigrant classification pursuant to VAWA.

**ORDER:** The appeal is dismissed.