



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

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

In Re: 29461221

Date: DEC. 29, 2023

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Abused Spouse of U.S. Citizen or Lawful Permanent Resident

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 that she had entered into the marriage in good faith, as required. We summarily dismissed the Petitioner's appeal. The matter is now before us on a motion to reopen. Upon review, we will dismiss the motion.

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if they demonstrate, among other requirements, that 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. 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). 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).

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). We cannot grant a motion that does not meet applicable requirements. *See* 8 C.F.R. § 103.5(a)(4).

The Petitioner submitted a VAWA petition in 2020 based on her relationship to her U.S. citizen spouse, J-L.¹ The Director denied the VAWA petition, concluding that the Petitioner did not establish she had married J-L- in good faith. Among other things, the Director found that the Petitioner's affidavit, the marriage certificate, and photographs did not suffice to establish a good faith marriage. Regarding the residential lease in the record, the Director noted that it was not signed by either the

¹ Initials are used throughout this decision to protect the identities of the individuals.

Petitioner or J-L-; nor was documentation provided to establish the satisfaction of the lease agreement, such as utility bills, rent receipts, or canceled checks. As for the bank statements in the record, they did not show that the Petitioner and J-L- comingled their finances and made payments towards the household responsibilities. Regarding the 2017 tax transcript, which it indicated that the Petitioner and J-L- had filed joint taxes in 2017, it was not a certified copy and thus, it did not suffice to establish a good faith marriage.

The Petitioner contends on motion to reopen that she has no additional evidence to submit in support of her good faith marriage to J-L-. She again asserts that her testimony, the fact that she moved to Texas to live with J-L-, and the tax and bank account documentation establishes that she entered the marriage with J-L- in good faith.

On motion the Petitioner has not submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal. The Petitioner's affidavits in the record address her courtship with J-L-, describing how they met at a baby shower, married in [] 2017, and moved in together after the wedding. The affidavits provide little detail of mutual interests or circumstances and events demonstrating the Petitioner's involvement prior to or during the marriage. The affidavits also do not offer any specific information regarding the Petitioner's residence with J-L-, such as details of the residence, home furnishings, daily routines, or any of their belongings. With regard to the undated photographs, they depict the Petitioner and J-L- together but do not otherwise provide context for or insight into things the couple did together and their shared experiences.

Regarding the bank statements in the record, said evidence does not establish the commingling of resources and shared financial responsibilities normally associated with a bona fide marriage. The record does not include any financial documentation containing the types of financial transactions normally associated with a bona fide marriage, such as rental, utility, grocery, or insurance payments. As for the tax transcript, as previously noted by the Director, it is not a certified copy and thus does not suffice to establish a good faith marriage.

As the Petitioner has not established that she entered into marriage with her U.S. citizen spouse in good faith, as the Act requires, she has not overcome the Director's previous determination that she is not eligible for VAWA classification.

ORDER: The motion to reopen is dismissed.