



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

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

In Re: 24605415

Date: MAR. 10, 2023

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse 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). Under the Violence Against Women Act (VAWA), an abused spouse may self-petition as an immediate relative rather than remain with or rely upon an abuser to secure immigration benefits. 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 entered into the marriage with his U.S. citizen spouse in good faith. The matter is now before us on appeal. On appeal, the Petitioner submits a brief and refers us to previously submitted evidence.

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). 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).

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 the Democratic Republic of Congo, last entered the United States in May 2014 on a nonimmigrant student visa, and married his U.S. citizen spouse, A-O-,¹ in Texas in [] 2017. He filed the instant VAWA petition in November 2019 based on a claim of battery and extreme cruelty by A-O-.

In his statement before the Director, the Petitioner stated that he met A-O- at a party in the winter of 2016 when he was visiting his father in Utah.² He stated that they stayed in touch during his entire visit and had a romantic relationship from the start, speaking and texting on the phone daily and going on dates to the movies, nightclubs, and restaurants. He stated that he spent major holidays in Texas and recalled that A-O- visited him when he stayed with his cousin there and that they would go on dates to the movies, restaurants, and attractions like Six Flags. The Petitioner indicated he and A-O- visited each other frequently over the next few months. He recalled telling A-O- that he was looking for a wife and that she told him that she wanted to start a stable family and grow old with him. He stated that about six months after meeting A-O-, she introduced him to her family and that he later proposed to A-O- at a Chili's restaurant about one month before they were married. He stated that they were married in [] Texas in [] 2017, with his friend and his cousin and A-O-'s mother, stepfather, sister, and friend, E-B-, all present. He recalled that they all went to a restaurant called On the Border in [] Texas to celebrate after the ceremony. The Petitioner stated that they already had their apartment leased after the wedding, but A-O- did not move in until about one month after the wedding because she had to get her mother's approval.

In a psychological assessment, completed in December 2021, a licensed professional counselor (counselor) generally recounted the Petitioner's account of his relationship with A-O- where he indicated that they met at his cousin's house for a party when he was 20 years old, and about three months later, began to date. The evaluation indicates that the Petitioner reported he and A-O- liked that they had similar backgrounds and family experiences and also agreed on what they wanted for the future. The Petitioner reported to the counselor that he and A-O- lived in different places but would communicate with each other daily by phone or text, met each other's families, dated for four months, and were married in [] 2017 through a Justice of the Peace followed by a small celebration with friends and family.

The Petitioner also submitted two affidavits in support of his petition. One affidavit from E-B-, a good friend of A-O-, stated that she has known the couple for a few years and that they spoke about their love for one another frequently. She stated that she never witnessed either of them being unfaithful or cruel to each other and that she accompanied the couple on a trip in March 2017 where she witnessed the love between them. The affidavit from V-T-, the Petitioner's mother, asserted that the Petitioner married A-O- because he was convinced of their love for each other. She stated that she accepted

¹ We use initials to protect the privacy of individuals.

² The Petitioner's statement is unclear as to where he resided at the time of the couple's meeting and courtship.

A-O- into her family and spoke with her several times but when she visited the Petitioner in 2018 to help the couple reconcile, A-O- did not want to meet her and she has accepted that A-O- has moved on from her marriage to the Petitioner. The relevant remaining evidence in support of the Petitioner's assertion of his good faith marital intentions also include the couple's marriage certificate and photographs of the couple.

The Director denied the VAWA petition, concluding that the evidence provided by the Petitioner, viewed in totality with the underlying record, did not demonstrate that he entered into the marriage with A-O- in good faith.

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 the evidence available to him is limited due to A-O-'s abuse. The Petitioner argues that his statement, detailed above, provided probative evidence of his relationship with A-O- and his intentions when marrying her. The Petitioner also contends that while the psychological assessment did not explicitly state that the marriage was "in good faith," it described the natural progression of a relationship from meeting to friendship, to dating, and then to marriage. He asserts that it further described a level of communication typical of romantic partners, the meeting of each other's families prior to marriage, the sharing of common goals for the future, the combining of finances after marriage, and the discussion of plans for children in the future, which are all indicators of good faith. Finally, the Petitioner contends that the two affidavits contain proof of his good faith marriage in that E-B-'s affidavit demonstrates that the friend of A-O- was willing to support him and believes the couple was truly in love, and that, in her affidavit, his mother attests to his Christian values that led him to be opposed to divorce.

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. While the Petitioner argues on appeal that his statement before the Director sufficiently described his relationship with A-O-, the statement only references his proposal at a Chili's restaurant, discusses generally the couple's initial meeting, dating relationship, and very briefly addresses the couple's wedding ceremony, stating that they were married in [REDACTED] 2017 with certain specified family and friends present and that they all went to a restaurant to celebrate. However, apart from the claimed abuse by A-O-, his statement lacks probative details regarding the Petitioner's courtship and shared experiences with A-O- prior to their marriage, his proposal to A-O-, their wedding ceremony, the celebration afterward, or their marital routines or shared experiences together to establish his good faith intentions in marrying A-O-.

In addition, although the psychological assessment in the record provides some general information from the Petitioner regarding his relationship with A-O- and asserts the credibility of his statements to the counselor, it likewise does not include substantive information from him about his shared experiences or relationship with A-O- to provide insight into his marital intentions and is focused primarily on the Petitioner's discussion of the abuse to which A-O- allegedly subjected him. Similarly, while the affidavits from E-B- and V-T-, the Petitioner's mother, assert the Petitioner's good faith marital intentions, they only generally reference certain shared experiences with the Petitioner and

A-O- and lack probative details regarding those or any other experiences and occasions they had with the couple prior to or during the couple's marriage to demonstrate his intentions to enter into the marriage in good faith. Finally, the remaining relevant evidence, including the couple's marriage certificate and photographs at unspecified occasions and locations, do not provide any insight into the nature of the couple's relationship and are otherwise insufficient to establish the Petitioner's good faith intentions in marrying A-O-, particularly in the absence of probative testimony from the Petitioner himself.

The record lacks any other corroborating evidence pertaining to the Petitioner's good faith intent in marrying A-O- and to the nature of their relationship. For example, the Petitioner has not provided signed property leases, income tax forms, insurance policies, or bank accounts shared by the couple. *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, the psychological evaluation, and the two affidavits are insufficient to establish his good faith intentions in marrying A-O-. Additionally, although the Director specifically identified the lack of detail provided in the Petitioner's statement, the psychological evaluation, and the two affidavits, the Petitioner has not provided any additional statements or evidence on appeal to establish his intentions when marrying A-O-. As such, the Petitioner has not demonstrated by a preponderance of the evidence that he married A-O- 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).

III. CONCLUSION

The Petitioner has not established that he married his U.S. citizen spouse in good faith, as required.³ Consequently, he has not demonstrated that he is eligible for immigrant classification pursuant to VAWA.

ORDER: The appeal is dismissed.

³ Although not raised by the Director, the record does not contain sufficient evidence to demonstrate that the Petitioner has been subjected to battery or extreme cruelty by A-O- or that he resided with A-O-, as required by sections 204(a)(1)(A)(iii)(I)(bb) and (II)(dd) of the Act. In any future filings in these proceedings, the Petitioner must also establish that he satisfies these requirements as well as the remaining eligibility criteria.