



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

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

In Re: 29510461

Date: JAN. 3, 2024

Appeal of Vermont Service Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Abused Spouse of U.S. Citizen or Lawful Permanent Resident)

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen. *See* Immigration and Nationality Act (the Act) section 204(a)(1)(A)(iii), 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 petition, concluding that the record did not establish that the Petitioner resided with his U.S. citizen spouse or that he married her in good faith. The matter is now before us on appeal. 8 C.F.R. § 103.3. On appeal, the Petitioner states that he has met his burden of proof to establish eligibility under VAWA.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review 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 dismiss the appeal.

A VAWA petitioner must establish, among other requirements, that they entered into the qualifying marriage to the 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)(ix). 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 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). 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 such evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

The Petitioner, a citizen and national of Nigeria, entered the United States as a non-immigrant visitor in May 2018. He married S-G-, a U.S. citizen, in [REDACTED] 2018 and seeks VAWA classification based on that relationship. As evidence of good faith marriage the Petitioner provided a personal

statement, joint bank account statements, a psychosocial assessment, a lease agreement, and affidavits from individuals familiar with his relationship. The Director determined that the Petitioner's statement used "boiler plate" language seen in other VAWA petitions and that the remaining evidence did not establish that he entered his relationship in good faith.

On appeal, the Petitioner states that the Director ignored his explanation regarding the boilerplate language and that he has met his burden of proof in establishing eligibility for VAWA classification. Upon de novo review, the Petitioner has not established that he married his spouse in good faith. The Director issued a request for evidence and stated that the Petitioner appeared to use "boilerplate" language seen in other VAWA petitions. In his statement in response to the Director's request for evidence, the Petitioner re-stated the claims he had previously made and wrote "it was possible that some verbiages may have reflected in my prior self-declaration, but I never used any boiler plate." He further stated that he "did a lot of research" before writing his personal statement. The Petitioner did not identify where he performed this research or what resources he may have used to create his personal statement.

On appeal, the Petitioner states, through his attorney, that he provided a detailed explanation for his use of the "boilerplate" language in his personal statement and that it should not be grounds for denial. The Petitioner provides no statement of clarification on appeal and does not discuss how much of his statement was his own and how much was copied from his "research." Moreover, the Petitioner does not address the specific passages identified by the Director beyond generally stating that he performed "research." The Petitioner's general explanation for the identified passages is insufficient to explain the concerns raised by the Director. In addition, the Petitioner's personal statements regarding his marriage to S-G- lack probative details relating to his courtship, marital life, and significant moments in their dating history. While the Petitioner describes a few interactions between himself and his spouse, these individual events do not provide a sufficiently detailed picture of his relationship with S-G-, who he claims to have resided with for more than a year.

A review of the remaining evidence in the record also does not establish that the Petitioner married S-G- in good faith. The psychosocial assessment provided with the initial application focuses on the Petitioner's mental health rather than the details of his relationship with S-G-. Neither the assessment or the follow up letter provided in response to the RFE provide the probative details necessary to establish that the Petitioner married his spouse in good faith. The bank statements provided for September 2019 are addressed to both the Petitioner and his spouse at a shared address, however, the purchase and deposit history does not show that the Petitioner and his spouse used this account for the maintenance of the marital home or to pay any jointly held bills. The remaining bank statements are not addressed to the claimed marital residence and occur after the Petitioner claims to have stopped living with S-G-.

The Petitioner has not met his burden of proof to establish that he married his U.S. citizen spouse in good faith. Consequently, he has not demonstrated eligibility for the requested immigrant classification as an abused spouse of a U.S. citizen under the VAWA provisions.

Because the Petitioner is not eligible for the requested immigrant classification on this basis alone, we need not address at this time whether he meets the remaining eligibility criteria for such classification. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "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 an applicant is otherwise ineligible).

ORDER: The appeal is dismissed.