



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

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

In Re: 22816116

Date: NOV. 14, 2022

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Parent of U.S. Citizen

The Petitioner seeks immigrant classification as an abused parent of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified in the Immigration and Nationality Act (the Act) at section 204(a)(1)(A)(vii), 8 U.S.C. § 1154(a)(1)(A)(vii). The Director of the Vermont Service Center denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition), and the matter is now before us on appeal. 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

A petitioner who is the parent of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, among other requirements, that they were battered or subjected to extreme cruelty perpetrated by their daughter or son. Section 204(a)(1)(A)(vii)(V) of the Act. The term “battered or subjected to extreme cruelty” includes, but is not limited to,

being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.

8 C.F.R. § 204.2(c)(1)(vi).

The burden of proof is on the petitioner to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). While U.S. Citizenship and Immigration Services (USCIS) 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).

II. ANALYSIS

The Petitioner is a native and citizen of the Dominican Republic who filed his VAWA petition in October 2018. The Director denied the petition based on a determination that the Petitioner did not submit sufficient evidence to establish that he was battered or subjected to extreme cruelty by his U.S. citizen daughter, D-V-.¹ The Petitioner has not overcome the Director's determination on appeal.

In support of his VAWA petition, the Petitioner submitted a personal statement in which he claimed that he is "a victim of [his] daughter" because he takes care of her child and she "pays [him] with abuse, disobedience and insult. She humiliates [him] when she arrives with her friends drunk almost every day." In response to a request for evidence (RFE) from the Director, the Petitioner provided an additional personal statement in which he indicated that his daughter "is a very loving mother and cares for her son but [the Petitioner] had to assume some responsibilities of the child as she wanted to hang out with her friends." He further stated that D-V- "treated [him] with humiliation, insults and cruelty. She has a very tough temperament. This led [him] into a deep depression and desperation. She would leave for hours and when [he] phone[d] her she would insult, complain and hang up the cell on [him]." Additionally, the Petitioner claimed that D-V- had since "amended her actions and assumes her role as a mother to the fullest, she has grown and takes care of her child," but that although she "is being responsible she needs [the Petitioner's] assistance." He also expressed the desire to see his grandchild grow up and to remain in the United States with his family. As further support for his RFE response, the Petitioner submitted letters from friends. F-G- reported that he "can testify to the trauma [the Petitioner] went through by his own daughter [D-V-] which he has been able to surpass," and that he "didn't deserve that type of treatment from his daughter." W-E- stated that he had "seen first hand how [the Petitioner's] daughter [D-V-] had mistreated him. [W-E-] observed how she belittled and verbally abused him. [D-V-] would humiliate him constantly." J-M-B-G- recalled that he was the superintendent at the Petitioner's apartment building and that neighbors called several times to report "a big noise and argues." When J-M-B-G- arrived at the apartment, he observed that D-V- was "always . . . aggressive to her father" The Director found this evidence to be insufficient because the record lacked specific, detailed information to establish that the Petitioner was battered or subjected to extreme cruelty by D-V-.

On appeal, the Petitioner submits a third personal statement in which he indicates that D-V- has "a strong aggressive temperament" and "will behave so Ugly [*sic*]." He expresses that he has always "given her everything and . . . all [his] love . . ." and "as a father it is very difficult for [him] to detail and specify all the incidents that occurred with her and are still happening because it hurts [him] to remember how the girl . . . acted like this" The Petitioner emphasizes that he does not understand why D-V- behaves as she does after he worked so hard to provide her with financial and emotional support, and that he sometimes thinks she "had to consume some kind of vice because her ugly actions were very difficult to believe" and she treated him and his spouse "as if [they] were not her parents but her worst enemies" He notes that when he and his spouse tried to take D-V- for treatment relating to her alcohol use, she threatened to denounce them with immigration officials and called them "illegal." According to the Petitioner, "[o]ne of the ugliest incidents" occurred when D-V- left the house in 2018 and "destroyed so many things in the house and even raised her hand to hit [him] and [he] had to hold her tightly" He states that the neighbors called the police but the Petitioner

¹ We use initials to protect privacy.

and his spouse did not want to press charges. The Petitioner reiterates that he has been “humiliated, mistreated and even threatened by [his] own daughter” He further expresses that he has struggled to become a legal resident in the United States, has suffered due to his inability to visit his parents in the Dominican Republic prior to their deaths, and has worked hard to survive in this country.

As additional supporting evidence on appeal, the Petitioner provides letters confirming that he is a member of a church, financial records, and copies of previously submitted evidence. He also submits a supplemental letter from his friend F-G-, who again states that he “can testify to the trauma [the Petitioner] went through by his own daughter [D-V-] which he has been able to surpass.” F-G- recalls that in 2017 or 2018, D-V- “was drunk and she was asking for money” from the Petitioner but he told her he did not have any money to give. F-G- writes, “she started heading the kitchen door and [F-G-] was at the living room waiting for him and she .” (Errors and blank space between “she” and end of sentence in original). F-G- does not complete the sentence in his statement to describe what D-V- did, but states that the Petitioner “didn’t deserve that type of treatment from his daughter.” He adds that D-V-’s “screams were so loud that [he] had to intervene and tell her to respect her father” and remained to comfort the Petitioner “in his own house when she . . . left.” F-G- further states that he “was present in several [incidents] . . . where she humiliated and mistreated” the Petitioner but he cannot recall the dates.² In a supplemental letter, the Petitioner’s former apartment superintendent, J-M-B-G-, repeats that neighbors called him to the apartment several times due to noise and arguments and that he observed that D-V- was “aggressive to her father.” He states that he cannot “specify the days and times that she did all the incidents” because of his age and the fact that it was a long time ago. W-E- indicates in a new letter that he “observed how [D-V-] belittled and verbally abused” the Petitioner. Like the other writers, he states that it is difficult for him to recall specific incidents and dates, but reports that in one of the worst incidents, he saw D-V- drinking heavily at a family party and “dancing crazy and jumping.” When the Petitioner told her to stop, “she pushed him through the sofa very badly.” W-E- observed that when the Petitioner told D-V- “not to make a scene,” she responded that she did not care what he thought and “was saying a lot of bad words in the street and [the Petitioner] was crying”

The Petitioner also submits on appeal a *Psychoemotional & Family Dynamics Evaluation* (psychological evaluation) from July 2018. The psychological evaluation reflects that it was conducted as support for the Petitioner’s request for a waiver in relation to his “legalization process” and that the purpose was to “explore individual psycho-emotional profiles and family dynamics” between the Petitioner, his spouse, and D-V- “in order to determine the psychological effects and extreme emotional hardship and [the Petitioner and his spouse’s] inability to obtain a waiver would cause” to D-V- as well as to their son. The psychological evaluation noted that as of the time of the report in July 2018, D-V- was “very attached to her parents” and relied on them for support. The Petitioner’s spouse noted during the evaluation that D-V- lived with them and “is very closely attached to her and [the Petitioner]” because they “are her emotional support system, and help her with the care of her child.” The Petitioner’s spouse further stated that although D-V- had a partner and child, she had “chosen to live with them because of their close bond and [D-V-’s] desire to take care of them as well.” D-V- shared with the evaluator that she had a close relationship with her parents and was “deeply saddened” by the possibility that they may be unable to stay in the United States. The

² Portions of F-G-’s statement are difficult to interpret and therefore provide little insight into the Petitioner’s claims of battery and extreme cruelty.

psychological evaluation does not contain any information to indicate battery or extreme cruelty or other difficulties in the relationship between the Petitioner and D-V-.

Upon *de novo* review, we agree with the Director that the evidence does not establish that the Petitioner was subject to the conduct described at 8 C.F.R. § 204.2(c)(1)(vi). The Petitioner's statements below and on appeal are general in nature and do not describe specific incidents of battery or extreme cruelty by D-V-. We acknowledge the Petitioner's statements that it is difficult for him to describe D-V-'s behavior toward him because he does not understand her actions, which are inconsistent with how he raised her. He described only one specific incident, in which he stated that D-V- destroyed items in the house and "raised her hand to hit [him]," but he did not provide details about that event to establish that it qualified as battery or extreme cruelty. The Petitioner describes difficulties in his relationship with D-V-, indicating generally that she has complained, humiliated, disobeyed, and insulted him; expected him to care for her child; behaved irrationally while drinking alcohol; and has a "tough" or "strong and aggressive" temperament. However, he has not provided evidence that he was the victim of violence or the threat of violence by D-V-, psychological or sexual abuse, actions that form a pattern of violence, or other forms of abuse that could qualify as battery or extreme cruelty. 8 C.F.R. § 204.2(c)(1)(vi). Similarly, the Petitioner's friends reported generally that D-V- mistreated the Petitioner, was "aggressive," argued loudly with him, drank heavily, and pushed him into a sofa, but they did not discuss probative details about their claims of abuse and mistreatment sufficient to establish that D-V- engaged in conduct described at conduct described at 8 C.F.R. § 204.2(c)(1)(vi). Furthermore, the psychological evaluation the Petitioner submits on appeal conflicts with his claims of battery and extreme cruelty and indicates that the Petitioner and D-V- have a close relationship.

Although the record contains evidence that D-V-'s actions upset the Petitioner and caused him to feel depressed, it does not support a determination that D-V- abused or exploited him or otherwise engaged in mistreatment that formed an overall pattern of violence, as described at 8 C.F.R. § 204.2(c)(1)(vi). Accordingly, the Petitioner has not met his burden of establishing by a preponderance of the evidence that D-V- subjected him to battery or extreme cruelty as required under section 204(a)(1)(A)(vii)(V) of the Act.

ORDER: The appeal is dismissed.