



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

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

In Re: 23636534

Date: DEC. 15, 2022

Appeal of St. Thomas, U.S. Virgin Islands Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant applied to adjust status to that of a lawful permanent resident as an approved Violence Against Women Act (VAWA) self-petitioner, but he was found inadmissible for entering the United States without being admitted after having accrued unlawful presence here for an aggregate period of more than one year and he seeks a waiver under section 212(a)(9)(C)(iii), 8 U.S.C. § 1182(a)(9)(C)(iii) of the Immigration and Nationality Act (Act).

The St. Thomas, U.S. Virgin Islands Field Office Director denied the application. The Director concluded that because they denied the applicants adjustment application, he was no longer an applicant for adjustment of status, and he was ineligible for a waiver of inadmissibility. The Director further concluded there was no connection to his VAWA claim of abuse and his departure from or his illegal reentry into the United States.

On appeal, the Applicant submits a brief and additional evidence advancing their eligibility claims. He contends the Director erred in denying his waiver application because he submitted documentation in support of it, but the Director did not offer any analysis relating to his submissions. The Applicant bears the burden of demonstrating eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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 conclude that a remand is warranted in this case.

Under section 212(a)(9)(C)(iii), we may waive the application of section 212(a)(9)(C)(i) in the case of a foreign national who is a VAWA self-petitioner if there is a connection between their battery or subjection to extreme cruelty and:

- Their removal from the United States;
- Any departure from this country; or
- Any attempted or effected reentry into the United States without being admitted.

A review of the Director's decision reveals that they only offered a conclusory statement—without any analysis—that there was no connection to the Applicant's claim of abuse and his departure from or reentry into the United States that triggered the inadmissibility ground. What is required is that the

previous trier of fact consider the issues raised and announce its decision in terms sufficient to enable an appellate body to perceive that it has heard and thought and not merely reacted. *Meza v. Garland*, 5 F.4th 732, 737 (7th Cir. 2021); *Sevoian v. Ashcroft*, 290 F.3d 166, 178 (3d Cir. 2002). If evidence is highly relevant, the adjudicating body must at least acknowledge that evidence, either implicitly or explicitly, in its decision. The decision must create the conviction that it “considered and reasoned through” the highly relevant evidence. *Farah v. U.S. Att’y Gen.*, 12 F.4th 1312, 1329 (11th Cir. 2021) (citing *Ali v. U.S. Att’y Gen.*, 931 F.3d 1327, 1331 (11th Cir. 2019)).

Because the Applicant offered claims and material both before the Director and on appeal that goes to the heart of his waiver eligibility, and because the Director did not provide adequate analysis on any connection between the basis for his VAWA claim and his reentry into the United States without being admitted, we will remand this matter to the Director to address it. The Director may request any additional evidence considered pertinent to the new determination and any other issues. As such, we express no opinion regarding the ultimate resolution of this case on remand.

ORDER: The Director’s decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.