



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

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

In Re: 15919507

Date: APR. 4, 2022

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse or Child 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). A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, among other things, that they were battered or subjected to extreme cruelty perpetrated by their U.S. citizen spouse, that they resided with their abusive spouse, and that they entered into the marriage in good faith. Section 204(a)(1)(A)(iii) of the Act.

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 he had resided with his U.S. citizen spouse, C-K-,¹ or that he had entered into the marriage in good faith. The Director specified that although the Petitioner submitted utility bills, “[t]he only joint utility bill is a gas bill from PGW,” and the other bills that were submitted were either in the Petitioner’s name only or C-K-’s name only. The Director also found that a bank statement and a vehicle registration form were in C-K-’s name only, and that an insurance document was in the Petitioner’s name only. In addition, the Director quoted from two third-party affidavits, describing them as very brief and finding that they failed to shed light on the bona fides of the couple’s marriage.

On appeal, the Petitioner argues that the Director erred in failing to consider all of the evidence submitted, such as a psychological evaluation, numerous photos of the couple taken with various friends and family on different dates and occasions, 10 joint gas bills, and four third-party affidavits, including a letter from the Petitioner’s co-worker which was not mentioned in the decision. We issued a request for evidence (RFE) after finding that the two paragraphs the Petitioner cited from his co-worker’s letter was not included in the record. The Petitioner responded to our RFE, submitting his co-worker’s letter in its entirety, as requested.

Upon *de novo* review of the entire record, including the letter submitted in response to our RFE, we will remand the matter to the Director. Contrary to the Director’s statement that the record included

¹ We use initials to protect the privacy of the individuals in this case.

“only . . . a” (emphasis added) joint gas bill from PGW,² the record includes six such bills, spanning from December of 2015 through September of 2017, addressed to both the Petitioner and C-K-. We further note that the bank statement, although addressed to C-K-, listed the Petitioner’s name on the savings account. Similarly, the insurance document, although addressed to the Petitioner, listed C-K- as an additional driver on the policy. In addition, as the Petitioner argues on appeal, the Director quoted from two third-party affidavits, but made no mention of two additional affidavits, one of which the Petitioner has now re-submitted in its entirety in response to our RFE. Considering the Director denied the VAWA petition without acknowledging or analyzing the above-mentioned evidence, we will remand the matter for the Director to consider all of the evidence, including the Petitioner’s affidavit and the numerous photos in the record, in the first instance to determine the Petitioner’s eligibility for immigrant classification under section 204(a)(1)(A)(iii) of the Act.

ORDER: The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis which, if adverse, shall be certified to us for review.

² The Director stated, “The only joint utility bill is a gas bill from, PGW. This bill shows that you and your spouse had mail delivered at the claimed marital address; however it does not establish joint residence. The other bills that you submitted are either in your name only or your spouse’s name only.”