



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

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

In Re: 17231154

Date: APR. 19, 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). 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 she resided with her U.S. citizen spouse and entered into the marriage in good faith. The matter is now before us on appeal. Upon *de novo* review, we will dismiss the appeal.

## I. LAW

A VAWA petitioner who is the spouse or ex-spouse of a United States citizen may self-petition for immigrant classification if the petitioner demonstrates that they entered into the marriage with a United States citizen spouse in good faith and that during the marriage, the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii)(I) of the Act; 8 C.F.R. § 204.2(c)(1)(i). In addition, petitioners must show that they are eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and are a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act; 8 C.F.R. § 204.2(c)(1)(i).

The burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Although a petitioner may submit any credible evidence for us to consider, we determine, in our sole discretion, the credibility of and the weight to give that evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. §§ 103.2(b)(2)(iii), 204.2(c)(2)(i). The AAO reviews the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

## II. ANALYSIS

The Petitioner, a native and citizen of Nigeria, married her U.S. citizen spouse, D-R-,<sup>1</sup> in  2014. She filed her VAWA petition in March 2019. In support of her VAWA petition, the Petitioner

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<sup>1</sup> We use initials to protect identities.

submitted a personal affidavit, third-party statements of support, financial and insurance records, apartment rental documents, and photographs. In response to a request for evidence (RFE) from the Director, the Petitioner submitted a supplemental personal statement, additional third-party statements, and additional insurance documentation.

The Director denied the VAWA petition based on a determination that the Petitioner had not submitted sufficient evidence to establish that she resided jointly with D-R- and entered into the marriage in good faith. The Director indicated that the Petitioner's personal statements were general in nature and did not provide probative details regarding her claim of shared residence with D-R-. Additionally, the Director noted that only the Petitioner was listed on the lease of the apartment she claimed to have shared with D-R-, and that she made clear in her statement that D-R- lived at his mother's house for some time during their marriage. The Director also concluded that the statements of the Petitioner and supporting third parties are brief and do not provide detailed, specific information about her relationship with D-R- and intentions when entering into the marriage.

In her brief on appeal, the Petitioner asserts that she has submitted sufficient evidence to meet her burden of proving her eligibility by a preponderance of the evidence. She notes that she submitted eight types of evidence, none of which the Director found not credible, and that the regulations do not require a specific type of documentary evidence. She contends that her personal declarations contained "a deeply personal account" of her relationship with D-R- and alleges that the Director did not fully consider the details in her statements and other supporting evidence. As additional supporting evidence, the Petitioner submits copies of four pieces of mail addressed to her and D-R- at their claimed shared residence.

Upon *de novo* review, we will dismiss the appeal, and we adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) ("we join eight of our sister circuits in ruling that the Board [of Immigration Appeals] need not write at length merely to repeat the IJ's [Immigration Judge's] findings of fact and his reasons for denying the requested relief, but, rather, having given individualized consideration to a particular case, may simply state that it affirms the IJ's decision for the reasons set forth in that decision."). In the present case, the Director found that the Petitioner's affidavit and other evidence lacked probative detail to support shared residence and good faith marriage, and the Petitioner's explanations on appeal are not sufficient to overcome the Director's decision and meet her burden of establishing she shared residence with D-R- and that she entered into the marriage in good faith.

The Petitioner describes in her initial statement how she met D-R- at a medical clinic a few weeks after her father's death and he comforted her. They began dating, spent time in [redacted] and [redacted] California and [redacted] Nevada, and he proposed on the night of Halloween in 2014. She states that they married in [redacted] 2014 in a small wedding in [redacted] attended by her brother and her boss, who was a friend of the family. The Petitioner indicates that after the wedding she and D-R- spent a few weeks in [redacted] and then went to live with her brother, E-, and his spouse in California. She claims that the "marriage was fun, and [they] were happy" until problems began after D-R-'s mother died in October 2016. The Petitioner describes abuse by D-R-, which is not in dispute here, and states that she last saw him in April 2017. In her supplemental statement, the Petitioner again states that D-R- comforted her when she was upset about her father's death and that she believed he would take care of her. She indicates that her brothers were initially opposed to her plan to marry

D-R- because he was “unknown” and from a different culture, but they “grudgingly accepted [the] marriage because they saw that [she] was really in love . . . .” Regarding the wedding, she says one of her brothers, her boss, D-R-’s cousin, and a friend of that cousin’s were in attendance, and the couple spent their honeymoon at a hotel in [REDACTED] After moving from [REDACTED] to her brother’s house in California, D-R- “help[ed] [her] establish a normal life.” They then decided to move to their own apartment and both paid the rent, but the rental company only allowed the Petitioner to be listed on the lease because D-R- did not have good credit and had previously been evicted. She states that D-R- insisted they file taxes separately and she believes he did not want her to know how much money he was earning. The Petitioner also indicates that after D-R-’s mother died, “everything fell apart” and he began spending a lot of time at his mother’s house. She states that he was fixing the house in preparation to rent it out and then asked the Petitioner to move in with him there, but she did not want to break the lease at their apartment. The Petitioner’s brothers, boss, and uncle provide general information about learning that the Petitioner was dating and then planned to marry D-R- because she loved him, that the couple married and then lived together, and that problems in the relationship affected the Petitioner. Neither the Petitioner nor the writers of supporting affidavits provide probative detail regarding the Petitioner’s courtship, wedding ceremony, or experiences in married life that would demonstrate that she resided with D-R- or show her intent in entering the marriage.

Although the Petitioner submitted other supporting evidence before the Director, it is not sufficient to demonstrate that the Petitioner and D-R- shared a residence and married in good faith, given the lack of details provided by the Petitioner and her friends and family. The Petitioner provided records relating to dental, life, and automobile insurance policies listing her and D-R- as policyholders or beneficiaries; bank statements for a joint account; and a federal income tax return for the Petitioner showing that she and D-R- were married filing separately. In the absence of detailed, specific information in her affidavits, this documentary evidence is not sufficient. She also submitted a lease which lists her as the tenant and bears only her signature, and copies of money orders for a security deposit and rent for both the Petitioner and D-R-. We acknowledge the Petitioner’s argument that D-R- was not listed on the lease because of his credit and rental history, but a lease that lists the Petitioner only is not supporting evidence for her claim that they resided together, and the money orders listing him as a tenant conflict with the information on the lease. The Petitioner also provided 11 photographs of her and D-R- doing activities together and at their wedding ceremony. The photographs show that they spent time together on certain occasions and depict the people she claims attended her wedding, but do not show her intent in marrying D-R-. The Petitioner does not submit any additional evidence on appeal aside from photocopies of four envelopes addressed to her and D-R-.

The Petitioner’s arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet her burden of establishing she shared residence with her spouse or that she entered the marriage in good faith. Consequently, she has not demonstrated that she is eligible for VAWA classification.

**ORDER:** The appeal is dismissed.