



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

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

In Re: 18868721

Date: APR. 25, 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 (the Director) denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), determining the Petitioner did not submit sufficient evidence to establish his eligibility for VAWA classification. On appeal, the Petitioner submits a letter and documentation from a fire department.

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

Petitioners who are spouses of U.S. citizens may self-petition for immigrant classification if they demonstrate they entered into marriage with the U.S. citizen in good faith and that, during the marriage, they were battered or subjected to extreme cruelty perpetrated by their U.S. citizen spouse. Section 204(a)(1)(A)(iii) of the Act; 8 C.F.R. § 204.2(c)(1)(i).

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 to such evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

II. ANALYSIS

In 2004, the Petitioner married his U.S. citizen spouse, P-E-L-.¹ The Petitioner previously filed a VAWA petition in April 2014, which was denied by the Director. The Director concluded the Petitioner did not submit sufficient evidence to establish his eligibility for VAWA classification. In response to a motion to reopen and reconsider, the Director reopened its denial decision. And in October 2016, the Director determined the submitted evidence was still insufficient to overcome the previous grounds of denial. The Petitioner appealed the Director's denial to us. We dismissed the

¹ Initials are used to protect the privacy of this individual.

appeal, concluding the Petitioner had not demonstrated joint residence with P-E-L- or that he suffered battery or extreme cruelty perpetrated by P-E-L-. The Petitioner's subsequent June 2017, March 2018, and December 2018 motions to reopen and reconsider this decision were dismissed.

The instant VAWA petition now before us was filed in April 2019. The Director denied the VAWA petition, concluding the current filing did not contain evidence to establish the Petitioner's eligibility for VAWA classification.

On appeal, the Petitioner does not address the Director's determination that the Petitioner did not submit sufficient evidence in support of his April 2019 VAWA petition. The VAWA form instructions indicate a VAWA self-petitioner may submit any credible relevant evidence of their eligibility, and encourages the submission of documentation including evidence of the abuser's U.S. citizen or lawful permanent resident status, evidence of the petitioner's legal relationship to the abuser, documents demonstrating joint residence, evidence of abuse, affidavit of good moral character and clearance checks, and evidence showing the marriage was entered into in good faith. Though any credible evidence may be submitted in support of a VAWA petition, sufficient evidence must be submitted to demonstrate a petitioner's eligibility by a preponderance of the evidence standard. In support of his April 2019 VAWA petition, the Petitioner submitted biographical documentation for himself, a marriage certificate with P-E-L-, and a birth certificate for P-E-L-. On appeal, the Petitioner submits a New York Fire Department incident report, and a letter asserting that photographs of the Petitioner and P-E-L- were lost in a house fire and his previous motions were incorrectly decided. Though the Petitioner references motions filed on his previous April 2014 VAWA petition, it is only the April 2019 VAWA petition that is currently before us on appeal.

Based on the lack of evidence concerning his good faith marriage to P-E-L-, joint residence with P-E-L-, the abuse he suffered, and good moral character submitted by the Petitioner in support of his instant April 2019 VAWA petition, we adopt and affirm the Director's decision that the Petitioner has not demonstrated his eligibility for VAWA classification. *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.").

III. CONCLUSION

The Petitioner has not overcome the basis of the Director's decision and has not established his eligibility for VAWA classification on appeal.

ORDER: The appeal is dismissed.