



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

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

In Re: 17536272

Date: APR. 26, 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 establish he entered into marriage with his U.S. citizen spouse in good faith. On appeal, the Petitioner asserts his eligibility for VAWA classification.

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

The Petitioner married his U.S. citizen spouse, N-G-S-,¹ in [] 2017 and filed his VAWA petition in November 2018. The Director denied the petition, concluding the Petitioner had not demonstrated he entered into marriage with N-G-S- in good faith.

On appeal, the Petitioner asserts the Director determined the Petitioner did not enter his marriage to N-G-S- in good faith or that he had been battered or subjected to extreme cruelty by N-G-S-. We note the Director's decision does not conclude the Petitioner has not established he was battered or

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

subjected to extreme cruelty by N-G-S-. Rather, as stated above, the Director concludes the Petitioner has not demonstrated he entered into his marriage with N-G-S- in good faith. The Petitioner also contends he provided evidence of his good faith marriage to N-G-S- including a life insurance policy for himself with N-G-S- as the beneficiary, joint utility bills, joint bank statements, and a personal affidavit. The record contains, in relevant part: a statement and affidavit from the Petitioner; a marriage certificate for the Petitioner and N-G-S-; third-party affidavits from N-K-, S-D-, M-G-D-, P-V-K-, and K-R-V-; a temporary order of protection for the Petitioner; a psychological evaluation for the Petitioner; joint bank statements from September 2017 to July 2018; a September 2017 life insurance policy for the Petitioner; and joint gas, electricity, and cable bills.

In denying the VAWA petition, the Director determined the Petitioner's statement and third-party affidavits focus on battery or extreme cruelty allegations and otherwise contain discrepancies related to the Petitioner's claim that he entered into marriage with N-G-S- with the intent of forming a life together. The Director also concluded joint bank statements and utility bills in the record contain the names of the Petitioner and N-G-S- but do not sufficiently demonstrate commingled finances and responsibilities. Specifically, the Director noted the bank statements do not indicate the joint account was used to pay utilities and found it unclear who was actually using the bank account. The Director also noted the record contains photographs of the Petitioner and N-G-S- and a life insurance policy covering the Petitioner, with N-G-S- listed as the beneficiary. But the Director determined there was no evidence concerning whether the insurance policy continued to be maintained and found the photographs did not provide insight into meaningful shared experiences between the Petitioner and N-G-S-.

We adopt and affirm the Director's decision insofar as the Director determined the Petitioner has not established that he entered into marriage with N-G-S- in good faith. *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."). The Petitioner's arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet his burden of establishing he married N-G-S- in good faith. In response to a request for evidence from the Director indicating the Petitioner's affidavit and third-party affidavits lacked detail and insight into their courtship and marriage dynamics apart from abuse, the Petitioner submitted affidavits from M-G-D-, P-V-K-, and K-R-V-. In the denial decision, the Director determined there were discrepancies in the dates and timelines of the Petitioner's relationship with N-G-S- between the third-party affidavits and the Petitioner's own statement. Specifically, the Petitioner asserted in his statement that he first met the Petitioner "[o]n or about March 2017" and married her in [] 2017. However, P-V-K-, K-R-V-, and M-G-D- respectively stated they met N-G-S- through the Petitioner around January or February 2017, and in March 2017, "5-6 months" after the Petitioner and N-G-S- started dating. On appeal, the Petitioner submits an affidavit claiming his previous statement contains a clerical error, as it should reflect he met N-G-S- in March 2016 rather than March 2017. However, the Petitioner's personal statement further explained that after meeting N-G-S- in March 2017 and beginning to date a few days later, he then married her in [] 2017 after "dating [N-G-S-] for a few months." The Petitioner's current affidavit claiming he met N-G-S- in March 2016 creates further discrepancies in the record, as he would have been dating N-G-S- for over a year rather than "a few months" at the

time of their marriage based on this claim. In addition, the Petitioner asserts on appeal that his submitted life insurance policy and joint bank and utility statements are clear indications of commingled finances and the Petitioner's attempt to protect N-G-S in the event of his death. However, the Petitioner does not address the Director's determinations that the record does not demonstrate his life insurance policy continued to be maintained through payment of premiums, that the submitted photographs did not demonstrate the Petitioner's intention in marrying N-G-S-, and their names on a bank account and utilities were found insufficient to demonstrate commingled financial responsibilities. The Director noted their joint bank account did not contain payments for shared financial responsibilities, such as utilities. We have reviewed the submitted evidence, detailed above, and do not find it sufficient to overcome the discrepancies in the record and the Petitioner's lack of response to the Director's denial findings. Overall, the Petitioner has not established he entered into marriage with his U.S. citizen spouse in good faith.

III. CONCLUSION

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

ORDER: The appeal is dismissed.