



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

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

In Re: 20291076

Date: APR. 27, 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). The matter is now before us on appeal. The Administrative Appeals Office (AAO) reviews 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 will remand the matter to the Director for the issuance of a new decision.

**I. LAW**

A VAWA self-petitioner must establish, among other requirements, that they entered into the qualifying marriage to the U.S. citizen spouse in good faith and not for the primary purpose of circumventing the immigration laws. Section 204(a)(1)(A)(iii)(I)(aa) of the Act; 8 C.F.R. § 204.2(c)(1)(ix). Evidence of a good faith marriage may include documents showing that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; evidence regarding their courtship, wedding ceremony, shared residence, and experiences; birth certificates of any children born during the marriage; police, medical, or court documents providing information about the relationship; affidavits from individuals with personal knowledge of the relationship; and any other credible evidence. 8 C.F.R. § 204.2(c)(2)(i), (vii). 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 record reflects that the Petitioner, a native and citizen of the Dominican Republic, married A-P-<sup>1</sup> a U.S. citizen, in [ ] 2018. He filed the instant VAWA petition in August 2019 based on this marriage. The Director denied the petition, determining that the Petitioner had not established that he entered into the marriage with A-P- in good faith, as required. The Director explained that the affidavits provided by the Petitioner and other individuals were vague and lacked probative details regarding the couple's courtship, wedding ceremony, memorable experiences in their married life,

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<sup>1</sup> We use initials to protect the privacy of individuals.

intent when entering the marriage, and specific information about their relationship prior to and during their marriage. The Director also found that the submitted bank statements did not include evidence of commingling of resources or shared financial responsibility associated with a bona fide marriage.

On appeal, the Petitioner asserts that the Director did not acknowledge or address all relevant evidence previously submitted, including flight itineraries, emails, passport stamps, and visas corresponding to the Petitioner's and A-P-'s trips; the Petitioner's psychological evaluation and mental health treatment; documentation regarding their joint online shopping accounts with purchase history; emails and receipts from gym memberships and other purchases; and copies of their credit cards that match the payment methods used for these transactions. The Petitioner also provides the following new evidence: an affidavit from A-P-'s sister with corresponding documentation; money order transaction history between the Petitioner and A-P- in the Dominican Republic from March 2016 to December 2017; printouts of their online conversations from May to September 2018; a 2016 letter from an orthodontics office reflecting the Petitioner's marital residence as his home address and listing A-P- as his personal representative; map printouts showing the locations for places the Petitioner and A-P- frequented near their residence, that were referenced in the submitted bank statements; and copies of previously submitted evidence.

The record reflects that the Petitioner has submitted relevant evidence that the Director has not had the opportunity to review. As such, we will remand the matter to the Director to consider this evidence in the first instance and determine whether the Petitioner has established that he married A-P- in good faith and is otherwise eligible for immigrant classification under VAWA.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded to the Director for the issuance of a new decision consistent with the foregoing analysis.