U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 19023722

Date: JUNE 8, 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), and the matter is before us on appeal. The Administrative Appeals Office 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 dismiss the appeal.

I. LAW

A VAWA 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). In these proceedings, the burden of proof is on the petitioner to demonstrate eligibility by a preponderance of the evidence. Matter of Chawathe, 25 I&N Dec. 369, 375 (AAO 2010). 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. PROCEDURAL HISTORY

The record reflects that in [redacted] 2014, the Petitioner, a citizen of Ghana, married, H-O-,[1] a U.S. citizen. In April 2015, H-O- filed a Form I-130, Petition for Alien Relative (Form I-130), on the Petitioner's behalf. In November 2015, through a notice of intent to deny (NOID), USCIS advised

[1] We use initials to protect the privacy of individuals.

H-O- that the submitted documentary evidence, testimony provided during in-person interviews with the Petitioner and H-O-, and government records did not establish a bona fide relationship. In December 2016, the Petitioner submitted additional evidence in response to the NOID. In February 2017, after reviewing additional submitted evidence, USCIS denied the Form I-130, determining that H-O- did not meet her burden of proof in demonstrating the bona fide nature of the marriage to the Petitioner by a preponderance of the evidence. In May 2018, upon de novo review, the Board of Immigration Appeals affirmed the denial of the Form I-130 for the reasons stated therein and concluded that H-O- did not meet her burden of establishing a bona fide marital relationship in light of the unresolved discrepancies and limited evidence of a joint life. In November 2018, the Petitioner filed the instant VAWA petition based on his marriage to H-O-.

After review, the Director denied the petition, determining, in pertinent part, that the Petitioner had not demonstrated that he entered into the marriage with H-O- in good faith. Specifically, the Director found that the record contained substantial and material discrepancies regarding the Petitioner's relationship with H-O-, and additionally, his statements did not provide specific information regarding the couple's meaningful shared experiences or marital life.

III. ANALYSIS

Upon de novo review, we adopt and affirm the Director's decision with the comments below. See, e.g., Matter of Burbano, 20 I&N Dec. 872, 874 (BIA 1994) (noting that the "independent review authority" of the Board of Immigration Appeals (Board) does not preclude adopting or affirming the decision below "in whole or in part, when [the Board is] in agreement with the reasoning and result of that decision"); see also Chen v. INS, 87 F.3d 5, 7-8 (1st Cir. 1996) (noting that, "[a]s a general proposition, if a reviewing tribunal decides that the facts and evaluative judgments prescinding from them have been adequately confronted and correctly resolved by" the decision below, "then the tribunal is free to simply adopt those findings" provided the tribunal's order reflects individualized attention to the case").

On appeal, the Petitioner does not identify any erroneous conclusion of law or statement of fact in the unfavorable decision, and although he indicated a brief and additional evidence would be submitted within 30 calendar days of filing, no brief or additional evidence has been received. As the Petitioner does not state a substantive and specific basis for his appeal, the Petitioner has not overcome the Director's denial. Consequently, he has not demonstrated that he is eligible for immigrant classification under VAWA.

ORDER: The appeal is dismissed.