



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

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

In Re: 18329547

Date: JUN. 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 affirmed the decision on motion. The matter is now before us on appeal. On appeal, the Petitioner asserts that he has established eligibility for the benefit sought. 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 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).

The petitioner bears the burden of proof 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. ANALYSIS

The Petitioner, a native and citizen of Cameroon, married his U.S. citizen spouse, H-M-,<sup>1</sup> in [REDACTED] 2011. He filed VAWA petitions in 2011 and 2017, which were denied, and filed the instant VAWA petition in July 2019. In support of his VAWA petition, the Petitioner submitted a marriage certificate, photographs, and a copy of an approved Form I-129F, Petition for Alien Fiancé(e), filed on his behalf by H-M-. In response to a request for evidence (RFE) from the Director, the Petitioner submitted three personal affidavits, seven third-party affidavits of support, two psychological evaluations, and photographs.

The Director denied the petition and subsequently affirmed the decision after the Petitioner filed a motion to reconsider, determining, in pertinent part, that the submitted evidence was not sufficient to establish that he entered into marriage with H-M- in good faith. The Director indicated that the Petitioner's affidavits were vague; did not provide insight into a domestic and social life with H-M- or contain specific information regarding meaningful shared experiences, values, or interests during their courtship; and lacked details to demonstrate how he decided to enter into marriage with H-M-. The Director also found that the third-party affidavits of support lacked probative details regarding their relationship prior to and during marriage, occasions when they observed the couple together, and any particular interactions between the Petitioner and H-M- that would demonstrate a *bona fide* marriage. The Director further found that the submitted photographs of the Petitioner and H-M- indicated they were together at the same place on several occasions, but provided minimal insight into shared experiences throughout their courtship and marriage which might illustrate the development of their relationship and help establish that he married H-M- in good faith. The Director also concluded that while the approved Form I-129F reflects that H-M- filed the petition on the Petitioner's behalf so that he could enter the United States to marry and pursue adjustment of status to a lawful permanent resident, this was not sufficient evidence of the Petitioner's intent to enter into marriage with H-M- in good faith.

On appeal, the Petitioner submits a brief and asserts the record establishes that he entered into marriage with H-M- in good faith and jointly resided with her. He contends that the Director erred by requiring a heightened burden of proof rather than applying the preponderance of the evidence standard, failing to apply the correct evidentiary standard for VAWA petitions by not allowing any credible evidence, and committing legal error by requiring documentation that indicates only a lengthy courtship and certain acts of marital intimacy are qualifying indicators of a good faith marriage. The Petitioner contends that the personal and third-party affidavits contain detailed information about his courtship and relationship with H-M- and the supporting documentation, such as the photographs, approved Form I-129F, H-M-'s travel itinerary to Cameroon, and psychological evaluations, provide sufficient probative value to demonstrate good faith marriage.

Upon *de novo* review, the record supports the Director's determination that the Petitioner has not established by a preponderance of the evidence that he married H-M- in good faith. The Petitioner's affidavits address his courtship with H-M- in a general manner, describing how he met her when she came to Cameroon with a friend in 2007, he drove her and her friend around for the two weeks, he thought she was beautiful, they continued communicating with each other after she returned to the

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

United States, and she helped him with money for his business and sent clothes to him. In 2010, H-M- visited the Petitioner in Cameroon, he picked her up from the airport and he felt real love, they spent six days together, and he proposed to her before she returned to the United States. H-M- filed a Form I-129F for the Petitioner, he arrived in the United States in 2010, and they married in [ ] 2011.

The Petitioner's affidavits do not contain sufficient information regarding the relationship prior to their marriage and do not provide probative details demonstrating his intent in entering marriage with H-M-. Instead, his affidavits predominantly focus on the problems that developed in the relationship and the claimed abuse by H-M-. The third-party affidavits are similarly vague regarding the Petitioner's courtship and marriage to H-M- and do not provide detailed and specific descriptions of shared experiences and interactions between the Petitioner and H-M-. In whole, these affidavits do not sufficiently demonstrate the Petitioner's intention in entering marriage or the *bona fides* of his marital relationship. The Petitioner has not submitted additional evidence on appeal addressing his good faith intention to marry H-M-. We further concur with the Director that the Petitioner's photographs with H-M-, the approved Form I-129F, and H-M-'s travel itinerary to Cameroon are not sufficient evidence to establish he entered into marriage with H-M- in good faith. Rather, these documents primarily indicate that the Petitioner and H-G- spent time together on several occasions and that H-G- submitted a petition on his behalf. Regarding the psychological evaluations, although they provide information about the claimed abuse the Petitioner suffered during his marriage to H-M-, they do not include probative details about the Petitioner's good faith in entering into the marriage.

Based on the foregoing, the Petitioner has not submitted probative evidence to establish, by a preponderance of the evidence, that he entered into a good faith marriage with H-M-. See *Matter of Chawathe*, 25 I&N Dec. at 375-76 (describing the petitioner's burden under the preponderance of the evidence standard and explaining that in determining whether a petitioner has satisfied their burden, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence). Therefore, he has not established his eligibility for immigrant classification under VAWA.

The Director further concluded that the Petitioner had not met his burden of establishing his joint residence with H-M-, as required under section 204(a)(1)(A)(iii)(II)(dd) of the Act. Since the identified basis for denial is dispositive of this matter, we decline to reach and hereby reserve the Petitioner's arguments regarding whether he has also demonstrated joint residence. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); see also *Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

**ORDER:** The appeal is dismissed.