



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

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

In Re: 20294521

Date: JUN. 13, 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 subsequent motion to reconsider, and the matter is before us on appeal. The Administrative Appeals Office (AAO) reviews 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

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).

The burden of proof is on a 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. ANALYSIS

The Petitioner, a native and citizen of Nigeria, entered the United States in December 2017 on a visitor visa. She married V-G-¹ a U.S. citizen, in [] 2018. She filed the instant VAWA petition in December 2018 based this marriage. As evidence of a good faith marriage, the Petitioner submitted a personal statement, a psychological assessment, a third party affidavit, a bank application and statements, a lease agreement, WhatsApp correspondence, and miscellaneous family photographs. The Director determined that the evidence was insufficient to establish that the Petitioner entered into the marriage with V-G- in good faith. The Director explained that the Petitioner's personal statement, psychological assessment, and the third party affidavit did not include sufficient probative details of the Petitioner's courtship, intent on getting married, or shared interest and activities. Additionally, the Director noted that the documents also lacked probative details regarding the Petitioner's residence, including details of the residence, home furnishings, neighbors, daily routines or any of her belongings. The Director further explained that the bank documents and blank lease agreement were not sufficient to establish a commingling of resources or a shared residence. Regarding the WhatsApp messages, the Director highlighted various messages that cast doubt on whether the Petitioner and her spouse ever resided together, ever intended to reside together, or entered into a good faith marriage. Finally, the Director determined that the photographs captured one-time events and without thorough explanations, merited limited evidentiary weight.

The Director issued a request for evidence (RFE) seeking additional evidence that the Petitioner entered into marriage with V-G- in good faith. In response, the Petitioner submitted an updated personal statement, an updated psychological assessment, a job application for V-G-, various bank statements, floor plans and internet searches of residents for the claimed joint residence, school documents for the Petitioner's children, phone records, miscellaneous correspondence addressed to the Petitioner at the claimed joint residence, additional third party affidavits, and family photographs. The Director considered this evidence, but denied the VAWA petition because the Petitioner did not submit sufficient evidence to establish, by a preponderance of the evidence, that she married V-G- in good faith.

On appeal, the Petitioner contends that she provided sufficient credible evidence namely, her updated personal affidavit, psychological evaluation, third party affidavits, phone records, photographs and bank statements to establish that she entered into marriage with V-G- in good faith. She further contends that, while the Director acknowledged this additional evidence, she failed to explain why it was insufficient to establish that she entered into marriage with V-G- in good faith.

We adopt and affirm the Director's decision insofar as the Director determined the Petitioner has not established that she entered into marriage with V-G- in good faith. *See 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 and 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) ("we join eight of our sister circuits in ruling that the Board need not write at length merely to repeat the [Immigration Judge's (IJ'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.").

¹ Initials are used to protect the individual's privacy.

The Petitioner's arguments on appeal that her previously submitted evidence establishes that she entered into marriage with V-G- in good faith, and that the Director failed to explain why that evidence was insufficient, are unpersuasive. The record reflects that the Director considered the Petitioner's updated personal statement, updated psychological assessment, additional third party affidavits, phone records, bank statements, and family photographs and adequately explained why they were insufficient evidence of a good faith marriage. Specifically, the Director acknowledged the Petitioner's updated personal statement and psychological assessment. However, she concluded that the statement and assessment, taken in conjunction with the other evidence in the record, were insufficient to establish that she entered into marriage with V-G- in good faith, as they contained only limited details regarding the Petitioner and V-G-'s courtship, decision to marry, wedding ceremony, shared experiences, or marital routines. The Director additionally noted that V-G-'s job application, the printout of the people who lived at the claimed joint residence, a copy of correspondence the Petitioner received at the claimed joint residence, and map/directions to the claimed joint residence did not demonstrate that the Petitioner shared a dwelling with V-G- or entered into a good faith marriage with him. The Director further explained that the bank statements were either in the Petitioner's name only, dated after the Petitioner separated from V-G-, or contained two different mailing addresses. As a result, the Director determined that the bank statements did not merit significant evidentiary weight. Additionally, the Director noted that the phone records and school records for the Petitioner's children, which listed the Petitioner and her former spouse as the parents, were not probative evidence of her good faith marriage or residence with V-G-. The Director further explained that the additional third party affidavits did not include sufficient probative details regarding her courtship or residence, intent on getting married, or shared interest or activities. The Director also stressed that the affidavits conflicted with the dates that the Petitioner claimed she resided with V-G-. Finally, the Director reiterated that the photographs captured one-time events and without through explanations, could not be given much evidentiary weight when evaluating the Petitioner's evidence. Upon *de novo* review, we agree with the Director that the Petitioner has not established that she entered into marriage with her U.S. citizen spouse in good faith by a preponderance of the evidence. We acknowledge the Petitioner's affidavit submitted on appeal. However, the affidavit recounts the same events and details as those found in the Petitioner's two previous affidavits and is, accordingly, cumulative to that already submitted and considered. As such, it offers little additional insight into the Petitioner's intentions in marrying V-G-. As such, the Petitioner has not demonstrated by a preponderance of the evidence that she married V-G- in good faith. *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).

III. CONCLUSION

The Petitioner has not established that she married her U.S. citizen spouse in good faith. Consequently, she has not demonstrated that she is eligible for immigrant classification pursuant to VAWA.

ORDER: The appeal is dismissed.