



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

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

In Re: 21898850

Date: JUNE 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), concluding that the Petitioner did not establish that she had entered into the marriage in good faith, as required. The matter is now before us on appeal. Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

A petitioner who is the spouse or former spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, in part, that they entered into the marriage with the U.S. citizen spouse in good faith and the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii) of the Act. Good faith requires that a petitioner has not "entered into the marriage to the abuser for the primary purpose of circumventing the immigration laws." 8 C.F.R. § 204.2(c)(1)(ix). Evidence that the marriage was entered into in good faith may include, but is not limited to: shared insurance policies, property leases, income tax forms, and bank accounts; testimony or other evidence regarding the couple's courtship, wedding ceremony, shared residence, and experiences together; birth certificates of children born to the relationship; police, medical, or court documents providing information about the relationship; or affidavits of persons with personal knowledge of the relationship. 8 C.F.R. § 204.2(c)(2)(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). Petitioners are "encouraged to submit primary evidence whenever possible," but may submit any relevant, credible evidence in order to establish eligibility. 8 C.F.R. § 204.2(c)(2)(i). USCIS determines, 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

In her initial affidavit submitted with her VAWA petition, the Petitioner explained that in mid-September 2016, when visiting the United States, she met a man named T-R-<sup>1</sup> in a coffee shop. She stated that T-R- introduced her to his brother, J-R-, and that she and J-R- talked through FaceTime almost every day after she returned to Bangladesh. She described that they “started to have friendship and was moving towards liking each other.” She claimed that J-R- told her she should come back to the United States and stay with him, and if “things go right he will marry me or else I can go back to my country.” She stated that she returned to the United States, specifying that “[w]hen I got to USA we [the Petitioner and J-R-] started living together.” She attested that their relationship was very good and described meeting his family and cooking meals for him. The record shows that the Petitioner and J-R- got married in [redacted] 2017.

The Director issued a request for evidence (RFE) seeking, in part, additional documentation to show that the Petitioner entered into marriage with J-R- in good faith. The Director found that the Petitioner’s affidavit lacked probative details and did not provide insight into the dynamics of their marriage. The Director further found that the Petitioner’s affidavit did not describe any mutual interests, details of the couple’s courtship, or the circumstances and events demonstrating their involvement prior to or during their marriage. In addition, the Director found that letters submitted by third parties were brief and general, and did not give detailed narratives that would support the Petitioner’s claim of entering the marriage in good faith. The Director specified that these third-party letters were not notarized and included identical statements, and, therefore, accorded them little evidentiary weight. The Director acknowledged other documents in the record, such as a bank account statement, a Costco membership card, and photographs that were not labeled, and found that these documents were insufficient to make a positive determination of a good faith marriage.

The Petitioner responded to the RFE and submitted additional evidence, including a new affidavit. In her new affidavit, she attested, among other things, that after being back in Bangladesh for approximately a month, she received a call from T-R- who said he was with his brother, J-R-. She stated that J-R- introduced himself, but spoke so fast she could understand very little of what he was saying. She claimed he called back two days later and they had a great conversation for about an hour. She states that he called back two days after that, and that they continued to FaceTime almost every day over the next few months. She attested that on February 15, 2017, she returned to the United States to visit the Islamic Center of [redacted]. She maintained that T-R- and J-R- picked her up from the airport and recommended that she stay with a family they knew because it would be cheaper than renting a hotel room, which she did. The Petitioner stated that the next day, she went to breakfast and went for a walk with J-R-, and then went to Starbucks and dinner with T-R- and J-R- that evening. According to the Petitioner, the following day, she went on a hike with J-R-, and then the next day, they went to dinner and he proposed to her. She explained that “[i]nitially I thought he was kidding or crazy” because she “had really just met this man,” but she accepted and they were married on [redacted] 2017.

The Director denied the VAWA petition, specifying that the record continued to provide minimal insight into Petitioner’s decision to marry J-R- and that there were inconsistencies in the Petitioner’s

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<sup>1</sup> We use initials to protect the identities of the individuals in this case.

affidavits. The Director discussed, among other things, that the Petitioner's first affidavit claimed she lived with J-R- when she returned to the United States, but that her second affidavit attested she stayed with a family. The Director further found that the third-party affidavits in the record did not give detailed narratives of the relationship, and that other evidence in the record, such as an apartment lease and vehicle registration card, did not provide insight into the couple's domestic life, routines, or shared responsibility to demonstrate the Petitioner's intent in marrying J-R-. The Director denied the petition accordingly.

On appeal, the Petitioner, through counsel, submits a brief, asserting that the Petitioner married J-R- "with the intent of a life-long commitment, and to establish a life with him." Counsel contends the Petitioner was dominated and controlled by J-R- who severely limited her financial independence and, therefore, she was only able to provide affidavits from herself, friends, and family, and a rental agreement to demonstrate she entered into the marriage in good faith.

We adopt and affirm the Director's decision. *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."). As the Director found, the Petitioner's affidavits contain inconsistencies which the Petitioner has not addressed on appeal. She has not submitted a new affidavit, statements from third parties, or any other evidence on appeal to provide probative, insightful details regarding her marital intentions. Although counsel asserts in the appeal brief that the Petitioner married J-R- with the intent of a life-long commitment to establish a life with him, the unsupported assertions of counsel do not constitute evidence. *See Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998) (unsupported statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight); *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988). The Petitioner has not met her burden of showing she entered into marriage with her U.S. citizen spouse in good faith, as section 204(a)(1)(A)(iii)(I)(aa) of the Act requires. The petition remains denied.

**ORDER:** The appeal is dismissed.