



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

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

In Re: 17118723

Date: MAR. 11, 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 (the Director) denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), determining the Petitioner did not establish he resided with his spouse, entered into their marriage in good faith, or that he was subjected to battery or extreme cruelty by his spouse. On appeal, the Petitioner asserts his eligibility for VAWA classification.

We review 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

Petitioners who are spouses of U.S. citizens may self-petition for immigrant classification if they demonstrate they entered into marriage with the U.S. citizen in good faith and that, during the marriage, they were battered or subjected to extreme cruelty perpetrated by their U.S. citizen spouse. Section 204(a)(1)(A)(iii) of the Act; 8 C.F.R. § 204.2(c)(1)(i). A petitioner also must show, among other requirements, that they resided with the abusive spouse. Section 204(a)(1)(A)(iii)(II) of the Act.

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 married his U.S. citizen spouse, V-A-B-,<sup>1</sup> in [ ] 2016 and filed a VAWA petition based on this marriage in July 2018. The Director denied the petition, concluding the Petitioner had not demonstrated he entered into marriage with V-A-B- in good faith.

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<sup>1</sup> Initials are used to protect the privacy of this individual.

On appeal, the Petitioner asserts that he believes he satisfied his burden of demonstrating he and V-A-B- entered their marriage to share their love and spend of the rest of their lives together. The Petitioner contends that after their marriage in [REDACTED] 2016, they lived together happily until August 2016. The record contains evidence submitted by the Petitioner, including: six rent receipts bearing his name for a [REDACTED] address from June to November 2016; a vehicle registration card for the Petitioner; photographs of the Petitioner's vehicle; criminal records for V-A-B-; a personal statement from the Petitioner; a mental health assessment for the Petitioner; affidavits from the Petitioner's mother and mother-in-law; additional photographs; financial documentation for the Petitioner, and for the Petitioner and V-A-B- jointly; copies of text messages; a marriage certificate; driver's license for V-A-B- and identity documents for the Petitioner.

In denying the petition, the Director determined the relevant evidence, including the Petitioner's personal statement, affidavits from his mother and mother-in-law, photographs, and joint bank account statements were not sufficient to establish the Petitioner and V-A-B- shared the emotional, economic, or domestic bonds normally associated with a marriage. The Director also determined the submitted evidence does not provide sufficient details of the Petitioner and V-A-B-'s courtship, shared experiences, marriage ceremony, and interactions with his spouse to support a finding the Petitioner entered into the marriage in good faith.

We adopt and affirm the Director's decision insofar as the Director determined the Petitioner has not established that he entered into marriage with V-A-B- in good faith. *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."). The Petitioner's arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet his burden of establishing he married V-A-B- in good faith. The Petitioner's personal statements include no information related to his courtship period with V-A-B- and contain details only insofar as they relate to claimed abuse by V-A-B-, offering little insight into their marital relationship. The Petitioner references his wedding date with V-A-B- and asserts only that they "went home planning for our beautiful future ahead . . . ." The affidavits submitted by the Petitioner's mother and mother-in-law are similarly vague regarding the Petitioner's courtship and marriage to V-A-B-, asserting only that the Petitioner and V-A-B- "are truly in love and . . . have no deviant reason for their marriage other than them wanting to spend their lives together." The Director found that the photographs in the record demonstrate the Petitioner and V-A-B- attended a few events together but, absent additional evidence, do not provide sufficient insight into the dynamics of their marriage. On appeal, the Petitioner addresses the record photographs only insofar as he submits additional photographs of his vehicle in support of his claims of battery or extreme cruelty. The Director also noted that evidence of joint financial documentation for the Petitioner and V-A-B- consisted only of two [REDACTED] statements for a single month period that lacked evidence of payroll deposits or marital expenditures such as rental payment, utilities, insurance payments, and auto loan payments. As such, the Director concluded the two bank statements did little to establish a commingling of resources or sharing of financial responsibilities between the Petitioner and V-A-B-. The Petitioner asserts that the Petitioner and V-A-B- did not jointly qualify for a lease or mortgage, and that their landlord paid for their utilities. However, the Petitioner acknowledges that the Petitioner and V-A-B-'s lease payments were not made

from their joint account. And the Petitioner does not address the lack of payroll deposits or other marital expenditures on their joint account statement. Additionally, the record does not contain further evidence of commingling of responsibilities between the Petitioner and V-A-B-. In totality, due to the lack of detailed and probative evidence establishing the Petitioner entered into marriage with his U.S. citizen spouse in good faith, he has not established eligibility for VAWA immigrant classification.

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 with V-A-B- or that she subjected him to battery or extreme cruelty. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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).

### III. CONCLUSION

The Petitioner has not overcome the basis of the Director's denial on appeal and has not demonstrated his eligibility for VAWA classification.

**ORDER:** The appeal is dismissed.