



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

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

In Re: 17189844

Date: MAR. 21, 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 in the Immigration and Nationality Act (the Act) at section 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director of the Vermont Service Center denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition), and the matter is before us on appeal. Upon *de novo* review, we will dismiss the appeal.

I. LAW

A petitioner who is the spouse of a United States citizen may self-petition for immigrant classification if the petitioner demonstrates that they entered into the marriage with a United States citizen spouse in good faith and that during the marriage, the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii)(I) of the Act; 8 C.F.R. § 204.2(c)(1)(i). In addition, petitioners must show that they are eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and are a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act; 8 C.F.R. § 204.2(c)(1)(i).

Petitioners bear the burden of proof to demonstrate eligibility by a preponderance of evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). They may submit any credible evidence relevant to the VAWA petition for us to consider; however, we determine, in our sole discretion, the credibility of and the weight to give such evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i). 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).

II. ANALYSIS

The Petitioner is a native and citizen of Togo who entered the United States in December 1996 as an F-1 student. In [] 2008 she married a U.S. citizen, R-S-,¹ with whom she claimed to have resided from [] 2008 until November 2016, and she filed her VAWA petition in March 2019. With her petition she submitted a personal affidavit, a letter from a clinical social worker, third-party statements

¹ We use initials to protect individual privacy.

of support, medical and financial records, and civil documents. On appeal she submits an updated affidavit.

The Director denied the petition, finding that the record did not contain satisfactory evidence that the Petitioner resided with her spouse and entered into the marriage in good faith. The Director noted that the Petitioner described her spouse as a Virginia coworker who in 2005 asked her to a restaurant and there explained he was a recovering alcoholic, and that the Petitioner would then visit him at a group home, that in 2006 she cosigned an apartment for him, that in 2007 he went to [REDACTED] to get help, and that in 2008 they married there. The Director determined that the Petitioner's affidavit and letter from the social worker lacked probative detail about her courtship, wedding ceremony, or experiences in married life, and that her affidavit did not provide details of her involvement with her spouse prior to marriage or circumstances during marriage except as it related to abuse. The Director concluded that although affidavits from third party individuals stated that they knew the Petitioner and her spouse resided together and the marriage was in good faith, they lacked probative detail. The Director identified specific documents, including a 2011 rental agreement in [REDACTED], that listed the Petitioner as tenant and R-S- as authorized to live there but the Director concluded it did not indicate that he actually resided there in a *bona fide* marriage; the Petitioner's 2018 and 2019 tax returns that the Director indicated were outside the period of claimed joint residence; and an April 2011 utility bill addressed only to the Petitioner that the Director determined did not show that the spouse actually resided there or commingled assets to demonstrate a *bona fide* marriage. The Petitioner also submitted R-S-'s 2010 Form 1099-G for unemployment compensation and her 2008 Illinois income tax form that each contained the same address.

In her affidavit submitted on appeal, the Petitioner again describes meeting R-S- in 2005, that it was love at first sight, and that he confided he was living in a group home. The Petitioner states that things progressed, so she cosigned an apartment to give R-S- privacy and introduced him to her church. She recalls that he began drinking and missing work, so her pastor recommended a place for help in [REDACTED]. The Petitioner states that she later followed R-S- to [REDACTED] where they married and made plans to be foster parents. She contends that the marriage started out strained as they depended on her income during his treatment and that he would not sign a lease because he owed taxes and feared being tracked. The Petitioner maintains that R-S- was fired from three jobs while in [REDACTED] so returned to [REDACTED] to live in a shelter. The Petitioner claims that when she returned to [REDACTED], her spouse agreed to live with her but again refused to sign a lease. She contends that during these times she sustained physical and emotional abuse from R-S- so decided to separate. The Petitioner asserts that the lack of documentation for common life and residence with R-S- is due to the instability of their relationship.

Here 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."). In the present case, the Director found that the Petitioner's affidavit and other evidence lacked probative detail to support shared residence and good faith marriage, and the Petitioner's explanations on appeal are not sufficient to overcome the Director's decision and meet her burden of establishing she shared residence with R-S- and that she entered into the marriage in good faith.

Although she indicates that after meeting R-S- their relationship progressed, the Petitioner offers limited detail or insight into the relationship or its development. She gives little illustration of common interests or activities prior to the couple's marriage, nor does she describe their residences or depict a daily routine or regular interactions that would support either good faith marriage or shared residence. Review of the letter from the social worker and affidavits from third parties show, as concluded by the Director, that they do not contain probative detail; a deficiency not addressed by the Petitioner on appeal. The Petitioner does not dispute the Director's finding that her affidavit and those of others did not provide probative detail about her courtship, wedding ceremony, or experiences in married life that would demonstrate that she resided with R-S- or show her intent in entering the marriage.

The Petitioner claims that in the beginning of the marriage they depended on her income, and although the April 2011 utility bill addressed to the Petitioner, her 2008 State of Illinois income tax form, and the spouse's 2010 Form 1099-G each contain the same address, they are each a single document from a period of several years that are not sufficient to demonstrate that the Petitioner and R-S- were sharing residence at that location given the lack of details provided by the Petitioner. Although we recognize the Petitioner's argument on appeal that the lack of documentation for common life and residence with R-S- is due to the instability of their relationship, given that she claims they resided together for more than eight years it is reasonable to expect more substantive evidence, if only in the form of more detailed affidavits.

The Petitioner's arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet her burden of establishing she shared residence with her spouse or that she entered the marriage in good faith. Consequently, she has not demonstrated that she is eligible for VAWA classification.

ORDER: The appeal is dismissed.