U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 20347039

Date: MAY 2, 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 a qualifying marital relationship and her corresponding eligibility for immigrant classification, that she was battered or subjected to extreme cruelty perpetrated by her spouse, or that she is a person of good moral character, as required. The matter is now before us on appeal.

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. Among other things, the petitioner must submit evidence of the relationship in the form of a marriage certificate and proof of the termination of all prior marriages for the petitioner and the abuser. 8 C.F.R. §§ 204.2(b)(2), (c)(2)(ii). 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).

Upon *de novo* review, we will dismiss the appeal, and 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 Applicant appears to have submitted a divorce decree related to her prior marriage; however, the document was written in Spanish. Although the Director issued a request for evidence (RFE) seeking, in part, the English translation of the legal termination of the Applicant's first marriage, the Petitioner did not submit such documentation in response to the RFE. She continues to not submit evidence of the legal termination of her first marriage on appeal. Without sufficient evidence of the legal termination of her first marriage, we do not find that the Petitioner has met her burden of establishing a qualifying marital relationship with a U.S. citizen for purposes of immigration

classification under section 204(a)(1)(A)(iii) of the Act. Because the Petitioner did not demonstrate a qualifying marital relationship, she also necessarily cannot establish that she is eligible for immediate relative classification based on such a relationship. The petition will therefore remain denied.[1]

ORDER: The appeal is dismissed.

[1] Although the Director also concluded the Petitioner did not establish that she was subjected to battery or extreme cruelty perpetrated by her spouse, or that she is a person of good moral character, we need not reach these issues and, therefore, reserve them. Our reservation of these two additional and separate bases for denying the application is not a stipulation that the Petitioner overcame these grounds for denial and should not be construed as such. Rather, there is no constructive purpose to addressing them because they cannot change the outcome of the appeal. *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).