



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

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

In Re: 18869217

Date: MAY 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 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), as an abused spouse of a U.S. citizen. The Director of the Vermont Service Center denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition). The matter is now before us on appeal. On appeal, the Petitioner submits evidence and a brief asserting his eligibility. The Administrative Appeals Office reviews the questions in this matter *de novo*. *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 petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if they demonstrate they entered into the marriage in good faith and were battered or subjected to extreme cruelty perpetrated by the spouse. Section 204(a)(1)(A)(iii)(I) of the Act. The petitioner must also 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. 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). While we must consider any credible evidence relevant to the VAWA self-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 Burkina Faso, was admitted to the United States in F-1 nonimmigrant student status in April 2016 and married a U.S. citizen, A-I-,¹ in [REDACTED] 2017. He filed his VAWA petition in October 2018, in which he claimed he resided with A-I- from November 2017 to May 2018. The Director denied the VAWA petition, concluding that the Petitioner had not demonstrated that he entered into marriage with A-I- in good faith or that he is a person of good moral character.

¹ Initials are used throughout this decision to protect the identity of the individual.

The Director referenced several pieces of evidence in determining that the Petitioner did not establish he entered into a good faith marriage with A-I-, including the Petitioner's statement, marriage certificate, photographs, and records from the Internal Revenue Service (IRS). After review of the VAWA petition, the Director issued a request for evidence (RFE), which informed the Petitioner that the evidence was insufficient to establish he entered into a good faith marriage with A-I-. In response, the Petitioner submitted an IRS tax transcript for 2017 and leasing documents. The Director then addressed the evidence individually. The Director stated that the marriage certificate did not establish the existence of a good faith marriage, there are no dates or explanations of the wedding photographs and the photographs do not provide insight into the dynamics of the marriage, the lease does not establish the Petitioner and A-I- resided at the address in the lease at the same time, and the record is not supported by canceled rent checks and utility payments. In addition, the Director found correspondence from the property management company insufficient as it was related to lease issues after the Petitioner stopped residing with A-I-. In addressing the Petitioner's statement, the Director noted it did not provide sufficient evidence of his courtship with A-I-, their shared experiences, marriage ceremony, and milestones in their married life. The Director noted that the Petitioner did not provide independent, objective documentary evidence to establish shared emotional, economic, or domestic bonds normally associated with a marriage; he did not show he and A-I- shared marital income, expenses, assets, liabilities, or other financial responsibilities; and he did not demonstrate social or family relationships, interaction in family cultural, religious, or community activities as a couple, or shared marital history, experiences, or moral and spiritual support. Based on the record, the Director determined that the Petitioner did not establish he entered into a good faith marriage with A-I-.

Finally, the Director stated the Petitioner resided outside of the United States during the three-year period prior to filing his VAWA petition and did not submit any evidence to establish good moral character while abroad. In response to the RFE, which informed the Petitioner that he must provide evidence of good moral character while abroad, the Petitioner submitted a document in a foreign language without a complete English translation certified by a translator that the translation is accurate, and he or she is competent to translate from that language to English. As such, the Director found that the Petitioner did not provide satisfactory evidence to demonstrate he met the good moral character requirement.

On appeal, the Petitioner submits documentation in asserting that he entered into marriage with A-I- in good faith and is a person of good moral character. Specifically, he includes several previously submitted documents, including a 2017 tax return, lease agreement, 911 dispatch record, property management notice of lease violation, divorce decree, move out statement, and wedding pictures but with notations of the individuals in the pictures. Additionally, the Petitioner provides statements from A-I-'s mother and his friend, a copy of A-I-'s criminal history, and a certified translation of his judicial record from Burkina Faso showing no criminal record.

While the Petitioner has annotated his wedding photographs with the names of the participants and nominal details of the event and has provided new statements from A-I-'s mother and his friend, he has not addressed the majority of the issues raised by the Director in order to establish, by a preponderance of the evidence, that he entered into a good faith marriage with A-I-. In this regard, the Petitioner has not submitted a statement detailing his courtship with A-I-, or their shared experiences, marriage ceremony, and milestones in their married life. The Petitioner has also not

submitted evidence of canceled rent checks and utility payments; shared emotional, economic, or domestic bonds normally associated with a marriage; shared marital income, expenses, assets, liabilities, or other financial responsibilities; and social or family relationships, interaction in family cultural, religious, or community activities as a couple, or shared marital history, experience, or moral and spiritual support.

Furthermore, while A-I-'s mother asserts that the Petitioner entered into a good faith marriage with A-I-, she does not describe their marital interaction, rather she details her daughter's mental health issues. In regard to their courtship, the Petitioner's friend only states that he met the Petitioner and A-I- while they were dating, and he had dinner with them. Considering their content and lack of detail regarding the good faith nature of the marriage, these two statements have minimal probative value. Based on the foregoing, the Petitioner has not submitted into the record probative evidence to establish, by a preponderance of the evidence, that he entered into a good faith marriage with A-I-. Therefore, he has not established his eligibility for immigrant classification under VAWA.

As we determined that the Petitioner has not established by a preponderance of the evidence that he entered into marriage with A-I- in good faith, we decline to reach and hereby reserve the Petitioner's arguments regarding whether he is a person of good moral character. *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).

ORDER: The appeal is dismissed.