



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

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

In Re: 22718529

Date: NOV. 08, 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), and the matter is before us on appeal. Upon *de novo* review, we will remand the appeal.

I. LAW

Immigrant classification under VAWA may be granted to an individual subjected to battery or extreme cruelty by their U.S. citizen spouse if that individual demonstrates, among other requirements, that they are a person of good moral character. Section 204(a)(1)(A)(iii) of the Act. Primary evidence of good moral character is the VAWA self-petitioner's affidavit, which should be accompanied by local police clearances or state-issued criminal background checks from where the petitioner resided during the three years before filing the VAWA petition. 8 C.F.R. § 204.2(c)(2)(v).

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 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). 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, a native and citizen of Philippines, filed her VAWA petition in November 2019 based on her marriage to F-D-L-C-, a U.S. citizen.¹

The Director denied the petition, determining that the Petitioner had not established that she was a person of good moral character, as required. In a request for evidence (RFE) issued to the Petitioner

¹ We use initials to protect the privacy of individuals.

in October 2021, the Director notified the Petitioner that, among other things, as she had resided outside of the United States during the 3-year period prior to filing her petition, she would need to obtain clearance letters from the jurisdictions where she resided in the 3-year period prior to filing her petition. The Petitioner responded copies of Internal Revenue Service (IRS) tax transcripts, copies of pay stubs, and receipts for donations she made. In the denial of the petition, the Director found that the Petitioner's response to the RFE was insufficient as she had resided outside the United States during the 3-year period prior to filing her petition, and she had not provided evidence of her good moral character for the period prior to her arrival to the United States.

On appeal, the Petitioner submits a "multi-purpose clearance" from the Republic of the Philippines Department of Justice, National Bureau of Investigation, which reflects her full name, date of birth, and fingerprint, and indicates that she has "no derogatory record."

The record reflects that the Petitioner has submitted relevant evidence that the Director has not had the opportunity to consider. As the Director's sole reason for denial was the omission of evidence of good moral character for the period prior to her arrival to the United States, we will remand the matter to the Director to consider this evidence in the first instance and determine whether the Petitioner has established that she is a person of good moral character and satisfied the remaining eligibility requirements for immigrant classification under VAWA.

ORDER: The decision of the Director is withdrawn. The matter is remanded for consideration of new evidence and issuance of a new decision.