



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

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

In Re: 19963506

Date: NOV. 22, 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 had not shown that she: (1) entered into her marriage with her U.S. citizen spouse in good faith; and (2) had resided with her spouse. The matter is before us on appeal. Upon *de novo* review, we will dismiss the appeal.

I. LAW

An individual who is the spouse of a U.S. citizen may self-petition for immigrant classification under VAWA if the individual demonstrates, among other requirements, that they entered into the qualifying marriage to the abusive U.S. citizen spouse in good faith and not for the primary purpose of circumventing the immigration laws. Section 204(a)(1)(A)(iii)(I)(aa) of the Act; 8 C.F.R. § 204.2(c)(1)(i), (ix); *see also* 3 *USCIS Policy Manual* D.2(C), <https://www.uscis.gov/policy-manual> (explaining, in policy guidance, that the self-petitioning spouse must show that at the time of the marriage, they intended to establish a life together with the U.S. citizen spouse). Evidence of a good faith marriage may include documents showing that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; evidence regarding their courtship, wedding ceremony, shared residence, and experiences; birth certificates of any children born during the marriage; police, medical, or court documents providing information about the relationship; affidavits from individuals with personal knowledge of the relationship; and any other credible evidence. 8 C.F.R. § 204.2(c)(2)(i), (vii).

The burden of proof is on the petitioner to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). 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). 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).

II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of Nigeria, married P-L-, a U.S. citizen, in [REDACTED] 2018.¹ In August 2019, she filed the instant VAWA petition based on this marriage. The Director issued a request for evidence (RFE) seeking, among other things, additional evidence that the Petitioner had entered into marriage with P-L- in good faith and resided with her spouse. The Petitioner responded with an additional statement, claiming that she did not have more documents to provide because their marriage was short. The Director denied the VAWA petition, concluding, in pertinent part, that the Petitioner had not established that she entered into the marriage with P-L- in good faith.

On appeal, the Petitioner claims that her previously provided evidence was sufficient to establish her eligibility and submits a brief.

A. Good-Faith Entry into Marriage

Upon review, the record does not establish that the Petitioner entered into marriage with her U.S. citizen spouse in good faith as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act. In her statements before the Director, the Petitioner recounted that she met P-L- in August 2018, through a mutual friend who held a party in [REDACTED] New York and was instantly attracted to him. She claimed that they went on a couple of dates in [REDACTED] ate in restaurants, and sometimes had breakfast at McDonald's. According to the Petitioner, she often prepared Nigerian food for P-L- because he liked her cooking but that he would make romantic dinners for her if she did not feel like cooking. The Petitioner claimed that they both enjoyed staying at home and grocery shopping together. She asserted that they married in [REDACTED] 2018, and that he thereafter became abusive. The remainder of the Petitioner's initial statement focused on the abuse to which P-L- allegedly subjected her. We acknowledge that the Petitioner provided some details regarding her relationship with P-L-. However, apart from the claimed abuse, her statements lack probative details regarding the couple's courtship, wedding ceremony, shared residences and experiences, and her intentions when she married P-L-; therefore, the statements do not contain sufficient information to show that the Petitioner entered into marriage with P-L- in good faith.

The record before the Director also included statements from the Petitioner's father, a friend, and her former landlady, H-B-, as well as a psychological evaluation. In his statement, the Petitioner's father indicated that he was aware that the Petitioner and P-L- had married and that the Petitioner had assured him that P-L- was the right man for her. The father confirmed that he never met P-L- and, other than referring to the [REDACTED] 2018 incident of abuse discussed in the police incident report, did not provide any insights into the Petitioner's relationship with P-L-. Similarly, a friend named A-O- stated that he had known the Petitioner since March 2017 and that he knew she had married P-L-, but that A-O- never met him and was shocked to hear of their separation. In the psychological evaluation that the Petitioner provided, her psychologist stated that the Petitioner had recounted that she had met P-L- through mutual friends in the summer of 2018, that they married in [REDACTED] 2018, and that he was initially attentive to the Petitioner, but soon changed and began smoking marijuana, drinking to excess, and leaving their home without explanation for days at a time. The remainder of the psychologist's

¹ We use initials to protect the privacy of individuals.

statement discusses the abuse to which P-L- subjected the Petitioner. As the statements from the father, the Petitioner's friend, and the evaluation from the psychologist focus primarily on the abuse to which P-L- subjected the Petitioner and do not provide additional information or insight into their relationship, these documents do not establish the Petitioner's good faith entry into the marriage.

In a separate statement, the Petitioner's landlady, H-B-, claimed that she had rented a space to the Petitioner and P-L- in late [redacted] 2018, that they paid rent of \$500, including gas and electricity, but that their rent was always late. H-B- stated that P-L- mistreated the Petitioner and that they had multiple fights that H-B- could not hear clearly through their closed door. H-B- focused on a fight between the couple that began on [redacted] 2018, and ended with P-L-'s arrest on [redacted] 2018. However, H-B- did not provide any details into any shared experiences with the couple or additional insights into the relationship between the Petitioner and P-L-, stating only generally that during "the short time [she] knew them as a couple [she] found that it was a real relationship and marriage." Consequently, H-B-'s statement does not provide probative details about the Petitioner's relationship with P-L- to support the Petitioner's claim to have entered into marriage with him in good faith.

The remaining relevant supporting evidence in the record is likewise insufficient to establish the Petitioner's good faith entry into marriage. This included a checking account statement for the period of December 20, 2018, to December 31, 2018, that named her and P-L- as account holders and reflected a joint address for them on [redacted] Avenue in [redacted] however, the account showed they had a balance of \$0 with no recorded activity. A statement for their savings account for the period of December 27 to December 31, 2018, showed that they had a starting balance of \$20, a withdrawal of \$20, and no other activity. The Petitioner's bank statements cover a period of only a few weeks at the end of December 2018, and show limited or no financial transactions in the checking account during those weeks. Consequently, although they list a shared address at the end of December 2018, these bank statements do not contain probative information showing that Petitioner and P-L- commingled finances or otherwise establishing the Petitioner's good faith entry into marriage with P-L-.

Finally, the record also included a police incident report dated [redacted] 2018, as well as a temporary protective order against P-L- dated [redacted] 2018, both reflecting that they shared an address on [redacted] Avenue in [redacted] at the time of the police report; however, the report primarily discusses a [redacted] 2018 incident in which the Petitioner claimed P-L- had threatened her with a knife. Apart from indicating that she and P-L- were married and resided at the claimed marital address, it does not include other probative information or insights into their relationship to show that the Petitioner had entered into marriage with P-L- in good faith.

The Petitioner claims on appeal that the Director did not afford proper weight to the statement from her former landlady, H-B-, discussing the Petitioner's relationship with P-L- and his mistreatment of the Petitioner. However, we have reviewed the landlady's statement above and concluded that it lacks probative details about the Petitioner's relationship with P-L- or her own shared experiences with the couple for purposes of showing that she entered into marriage with him in good faith. Consequently, we find no error in the Director's conclusion that the statement from the Petitioner's former landlady was insufficient for purposes of establishing the Petitioner's good-faith entry into marriage with P-L-

The Petitioner also contends on appeal that the Director's decision erroneously failed to give any weight to information in the police incident report reflecting: (1) the fact that police escorted P-L- to the couple's apartment so that P-L- could open the door and allow the Petitioner to recover her items; and (2) that P-L- had held a knife to her throat. Our review indicates the Director did consider this information, specifically noting that the police report showed that the Petitioner stated that P-L- held a knife to her throat. However, while this information relates to her claim that P-L- subjected her to battery and extreme cruelty, it does not establish that she entered into their marriage in good faith. Although the police incident report indicates that the Petitioner and P-L- claimed to be residing at the same apartment address on [redacted] Avenue in [redacted] New York, the Petitioner does not explain how the remaining information relating to the [redacted] 2018 incident is relevant to her claim to have entered into her marriage with P-L- in good faith.

The Petitioner also states on appeal that because P-L- became abusive toward her soon after they married and she had to leave the marriage for her own safety, she is unable to provide more extensive evidence of her good faith entry into the marriage. We acknowledge the Petitioner's assertion that she had to seek safety outside of the marital relationship soon after her marriage to P-L-, and therefore she is not required to submit any specific type or quantity of evidence. However, it remains that the burden is on the Petitioner to establish that she entered into marriage with P-L- in good faith, which she has not shown. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (describing the petitioner's burden under the preponderance of the evidence standard and explaining that in determining whether a petitioner has satisfied their burden, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence)).

The record also reflects several inconsistencies on which the Director relied in finding that the Petitioner did not establish her good faith entry into marriage with P-L-. Specifically, the Director noted that the Petitioner had claimed to USCIS that she was unemployed during her relationship with P-L- because she had no work authorization but told the police that she had come home from work on the day of the [redacted] 2018 incident with P-L-.² Based on the inconsistency in her claims, the Director afforded the Petitioner's statements less weight. Even without any inconsistencies, the relevant evidence, including the Petitioner's own statements, is not sufficient to establish her good faith intentions in entering into marriage with P-L-. Apart from describing the claimed abuse, her written statements did not include any substantive information regarding the couple's courtship, wedding ceremony, shared residence, and experiences to corroborate her assertions that she entered into marriage with P-L- in good faith. Although she discussed some dates and meals that they shared, the fact that they took turns cooking and that P-L- appreciated the food from her country, her statements lacked substantive details regarding her relationship with P-L- both before and during their marriage. In addition, the supporting affidavits, including the landlady's statement asserting that she believed the Petitioner's relationship with P-L- was real, and remaining documentary evidence,

² In addition to this discrepancy, in her statements, the Petitioner claimed that the [redacted] 2018 incident occurred on a Sunday night after she drove home from a weekend visiting a former classmate in [redacted] but this contradicts her claim to police that she was home after working that day, in addition to the fact that [redacted] 2018, was a Wednesday. Moreover, the first page of the police report shows that the incident was reported in December 2019, but occurred in [redacted] 2018, and the remaining pages of the report list the year of 2018; whereas the Petitioner claimed in her May 2019 statement that P-L- attacked her in [redacted] 2018. The Petitioner must address these additional discrepancies in any future proceedings.

including a bank statement showing that they shared an account for just a few weeks and had not transactions, is not sufficient to establish the Petitioner's good faith marital intentions in the absence of probative testimony from her. Viewed as a whole, the record does not support the Petitioner's claim that she entered into the marriage with her U.S. citizen spouse in good faith. For this reason, the VAWA petition may not be approved.

B. Residence

The Director further determined that the Petitioner had not demonstrated that she resided with P-L-, as required by section 204(a)(1)(A)(iii)(II)(dd) of the Act. As our finding that the Petitioner had not established that she married P-L- in good faith is dispositive of her appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments on this issue. *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 Petitioner is otherwise ineligible).

III. CONCLUSION

In conclusion, the Petitioner has not established that she entered into her marriage to her U.S. citizen spouse in good faith. Consequently, she has not demonstrated that she is eligible for immigrant classification under VAWA.

ORDER: The appeal is dismissed.