



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

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

In Re: 22660471

Date: OCT. 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 the 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 record did not establish that the Petitioner has a qualifying relationship with her U.S. citizen spouse and is eligible for corresponding immigrant classification, resided with her spouse, and entered into the marriage in good faith. The matter is now before us on appeal. 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). Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

A VAWA petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates that they entered into marriage with their U.S. 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).

The burden of proof is on a 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).

## II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of Brazil, last entered the United States in February 2016. She married her U.S. citizen spouse, J-N-,<sup>1</sup> in California in [ ] 2016. She filed the instant VAWA petition in July 2019 based on a claim of battery and extreme cruelty by J-N-.

### A. Qualifying Relationship

The Director determined that the Petitioner did not establish that she has a qualifying relationship with her U.S. citizen spouse, as required under section 204(a)(1)(A)(iii) of the Act, and therefore also did not show that she is eligible for immigrant classification under section 201(b)(2)(A)(i) of the Act based on that qualifying relationship. To establish eligibility under VAWA, a petitioner must submit evidence of the qualifying relationship in the form of a marriage certificate and proof of the termination of all prior marriages for the petitioner and their U.S. citizen spouse. 8 C.F.R. §§ 204.2(b)(2), (c)(2)(ii).

The Director explained that the Petitioner indicated on her VAWA petition that she had been married three times, but only submitted proof of one prior divorce. Accordingly, the Director concluded that the Petitioner did not show that she was legally free to marry J-N-. On appeal, the Petitioner confirms that she has been married three times and states that she divorced her two prior spouses in Brazil. The record reflects that in response to a March 2021 request for evidence from the Director, the Petitioner submitted marriage certificates showing her marriage to, and divorce from, each of her prior spouses. The Petitioner resubmits these marriage certificates on appeal. One marriage certificate indicates that she married E-A-U- in Brazil in 1987 and contains an amendment specifying that she divorced him in 1999. The second marriage certificate shows that the Petitioner married L-R-S- in Brazil in 2000 and divorced him in 2015. Accordingly, our *de novo* review demonstrates that the Petitioner has provided sufficient evidence of the legal termination of her first and second marriages and has met her burden of establishing a qualifying marital relationship with a U.S. citizen under section 204(a)(1)(A)(iii) of the Act, as well as corresponding eligibility for immigrant classification under section 201(b)(2)(A)(i) of the Act. However, the Petitioner remains ineligible for classification as an abused spouse under VAWA on another ground, as discussed below.

### B. Good Faith Marriage

The Director concluded that the Petitioner had not submitted sufficient evidence to establish that she entered into marriage with J-N- in good faith. A VAWA petitioner must demonstrate, in part, that they entered into the marriage with their U.S. citizen spouse in good faith. Section 204(a)(1)(A)(iii) of the Act. Good faith requires that a petitioner has not “entered into the marriage to the abuser for the primary purpose of circumventing the immigration laws.” 8 C.F.R. § 204.2(c)(1)(ix). Evidence that the marriage was entered into in good faith may include, but is not limited to: shared insurance policies, property leases, income tax forms, and bank accounts; testimony or other evidence regarding the couple’s courtship, wedding ceremony, shared residence, and experiences together; birth certificates of children born to the relationship; police, medical, or court documents providing information about the relationship; or affidavits of persons with personal knowledge of the relationship. 8 C.F.R. § 204.2(c)(2)(vii).

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<sup>1</sup> We use initials to protect privacy.

In her July 2019 statement before the Director, the Petitioner stated that her relationship with J-N- “started really good and [she] thought [she] had found the man of [her] dreams because he was very caring and loving.” However, she stated that after they married and moved in together, J-N- began to abuse her. The Petitioner reported that J-N- “put [her] down morally,” subjected her to physical, mental, verbal, and attempted sexual abuse, stole her identity, and opened credit cards in her name. She indicated that she finally got the courage to call the police in [ ] 2019 and was seeking a permanent restraining order against J-N-. She noted that she was suffering from anxiety and depression due to J-N-’s abuse. As supporting evidence, she submitted a letter from a friend, who stated that the Petitioner “has been married to [J-N-] since [ ] 2016.” She also submitted photographs of her and J-N- together, copies of text and online messages between herself and J-N-, financial records, and additional evidence specifically relating to her claims of abuse.

On appeal, the Petitioner provides a supplemental statement in which she states that she “does not know how else to prove that [her] relationship with [J-N-] was real and that [she] fell in love with a man who [she] thought [she] was going to spend the rest of [her] life with.” She then quotes the above-described portion of her July 2019 statement, providing a duplicate copy of her prior narrative about her marriage to J-N- without additional details about the circumstances of their courtship, marriage ceremony, or life together as spouses. The remainder of her supplemental statement focuses on her claims of abuse, which is not at issue on appeal, and joint residence. As it relates to her assertion of good faith marriage, the Petitioner adds only that her “biggest mistake was to fall in love with [J-N-] and that [she] went into [the] marriage with hopes and dreams that it would last forever,” and that her marriage and love for J-N- were real.

The Petitioner submits supporting evidence on appeal, in the form of letters from friends. N-R- states that he met the Petitioner and J-N- at a party and talked with J-N- about “how he met [the Petitioner] and how he proposed to her.” L-H- reports that he attended three “gatherings at [the Petitioner’s] home with her husband [J-N-]” and observed “their interaction of husband and wife.” T-S- claims that she has been friends with the Petitioner for over three years, since before she married J-N-. According to T-S-, she spent time with the Petitioner and J-N- and observed that they “were free spirit [*sic*] together, enjoying life and each other . . . . [She] saw a couple that loved each other and enjoyed each other [*sic*] company.” The Petitioner also resubmits records of mental health care she received between 2018 and 2019. The records reflect that she reported that she “met her current husband 2 years ago in [ ] and he brought her to USA and married her,” but that he was not “the man she thought he was.” The mental health care provider’s notes indicate that the Petitioner reported J-N- did not have a steady income and had various financial problems, spent her money, had an affair, abused drugs and alcohol, and mistreated her, and that she was suffering from depression and anxiety as a result.

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.”). In the present case, the Director found that the Petitioner’s affidavit and other evidence lacked probative detail to support her claim of 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 that she entered into the marriage in good faith. The Petitioner’s statement before the Director did not provide any probative information about how she first met J-N-, their courtship and decision to marry, the marriage ceremony, or their life together as spouses, aside from the claimed abuse. Her statement on appeal quotes that prior statement and provides minimal additional information relating to whether her marriage was

in good faith. Although the record contains photographs, financial records, and copies of messages between the Petitioner and J-N-, they are not sufficient on their own to establish good faith marriage in the absence of detailed, probative testimony from the Petitioner. Similarly, the supporting letters submitted on appeal are general in nature and do not provide specific, detailed information about the circumstances of the Petitioner's courtship, wedding ceremony, or experiences in married life that would show her intent in marrying J-N-. The Petitioner's arguments and evidence on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet her burden of establishing that she entered into marriage with J-N- in good faith, as section 204(a)(1)(A)(iii) of the Act requires.

### C. Joint Residence

The Director additionally determined that the Petitioner had not established that she resided with her U.S. citizen spouse, as required under section 204(a)(1)(A)(iii)(II)(dd) of the Act. Because our determination here that she did not establish that she married J-N- in good faith is dispositive of her appeal, we decline to reach and therefore reserve the Petitioner's arguments regarding this additional ground of denial in the Director's decision. *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).

## III. CONCLUSION

The Petitioner has not established that she married her U.S. citizen spouse in good faith, as required. Consequently, she has not demonstrated that she is eligible for immigrant classification pursuant to VAWA.

**ORDER:** The appeal is dismissed.