



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

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

In Re: 19957127

Date: SEPT. 14, 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), and 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)(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 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). 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 Petitioner, a native and citizen of Georgia, entered the United States in December 2016 on a nonimmigrant visitor visa. He filed the instant VAWA petition in January 2019, claiming that he had been subjected to battery and extreme cruelty by his U.S. citizen spouse, T-R-.<sup>1</sup> The Director denied the petition, concluding that the Petitioner had not established that he entered into the marriage in good faith and had resided with his spouse, as required.

### A. Good Faith Marriage

In the record before the Director, the Petitioner initially explained that he met T-R- in March 2017 at a party hosted by mutual friends. He stated that when he noticed T-R-, he thought she was pretty but looked sad and introduced himself to her with the intention of cheering her up. According to the Petitioner, he was instantly attracted to T-R- and they had fantastic chemistry, spending the entire party getting to know each other. After T-R- told the Petitioner that her boyfriend had left her when she became pregnant and that she had just given birth to the baby and was struggling to survive by working two jobs, he felt the urge to offer her emotional and financial support and decided to overstay his temporary visitor visa in order to work in construction and support T-R- and her baby. The Petitioner explained that he proposed to T-R- after a few months of dating and they married in [REDACTED] 2018. The remainder of the Petitioner's initial statement consists primarily of his descriptions of the claimed abuse to which he stated T-R- subjected him after they began living together until he left her in September 2018.

As initial evidence, the Petitioner provided an application for a bank checking account that he and T-R- completed in May 2018, and on which they both listed a shared residential address in [REDACTED] New Jersey. However, the Petitioner subsequently confirmed that they did not open the account, therefore, the bank application is not evidence that they commingled funds while residing together after marriage, and it does not support the Petitioner's claim to have entered into marriage with T-R- in good faith.

The Petitioner also included a New York Certificate of Marriage Registration showing that when he and T-R- married in [REDACTED] 2018, the Petitioner had claimed to be residing on [REDACTED] in [REDACTED] New York, and T-R- had claimed to reside at an apartment on [REDACTED] in [REDACTED] New Jersey. Finally, the Petitioner submitted photographs of himself at several unspecified work events, many of which appear to have been taken while he was still in Georgia, and some unlabeled photographs of himself with T-R- on unspecified dates and occasions. Consequently, these documents are not sufficient to show that the Petitioner and T-R- shared a life and experiences after marriage, for purposes of showing his good faith entry in to marriage with T-R-. The remaining initial evidence included statements from friends and colleagues in Georgia who attested to the Petitioner's character and work history while in Georgia and therefore are not relevant to his claim to have entered into his marriage with T-R- in good faith.

In response to the Director's request for evidence (RFE) seeking additional documentation that he married T-R- in good faith, the Petitioner provided a new statement in which he claimed that he did

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

not have much additional evidence and emphasizing that he simply fell in love with her and wanted to take care of her. According to the Petitioner, he and T-R- were both very private, did not spend much time on social media accounts, did not take many pictures, did not have enough money to actually open the bank account listed on their checking application, and simply shared their lives with friends and family in addition to volunteering at church.

The Petitioner also included an evaluation from a therapist who recounted general information that the Petitioner had provided to her during their sessions. For example, she stated that the Petitioner claimed that he and T-R- had enjoyed shopping in thrift stores, making breakfast, taking walks, and relaxing together. The therapist also stated that the Petitioner entered into the marriage in good faith, but did not provide additional information as to how she was aware of the Petitioner's intent when he entered into the marriage with T-R-. In response to the RFE, the Petitioner also provided some statements from friends, such as D-Z-, who stated that he met T-R- and that she had seemed to make the Petitioner very happy. D-Z- further indicated that he had dined at Georgian restaurants in [redacted] with the Petitioner and T-R- and that the Petitioner was physically and emotionally engaged in caring for T-R-'s daughter. Similarly, L-T- stated that he was the Petitioner's friend, had met T-R- twice, and observed that she and the Petitioner were happy and had amazing chemistry. L-T- also stated that the couple had been on a budget and that the Georgian community provided them with much support, including a couch that L-T- had helped to move to their apartment.

The Director determined that the Petitioner's evidence was insufficient to establish that he married T-R- in good faith because it lacked probative details and insight regarding the marital relationship.

On appeal, the Petitioner claims that the Director ignored relevant evidence regarding his intentions in marrying T-R- and otherwise failed to explain why the evidence provided was insufficient to establish his good faith intentions. Contrary to the Petitioner's assertion, our review indicates that the Director properly considered all the relevant evidence and explained the deficiencies in the record in determining that they were not sufficient to meet the Petitioner's burden to establish his good faith marital intentions. *See* section 204(a)(1)(J) of the Act (stating that USCIS will consider any credible evidence but has sole discretion in determining the credibility of and the weight to be given such evidence); 8 C.F.R. § 204.2(c)(2)(i) (same). Apart from the claimed abuse, the Petitioner's statements before the Director lacked probative details regarding the Petitioner's shared experiences with T-R- prior to and during their marriage and his intentions in marrying her, such as details of their courtship, wedding ceremony, shared interests and activities, instead providing generalities regarding their feelings toward each other, their shared marital residence, and their financial situation. The affidavits of his friends and the psychological evaluation submitted below similarly provide general impressions that the Petitioner "intended" to enter into his marriage in good faith and include some details regarding the relationship, but they do not provide probative details about the couple's shared life and experiences to give insight into the Petitioner's relationship with T-R-. In the absence of probative testimony and evidence, the documentary evidence discussed above is not sufficient to show that the Petitioner entered into his marriage with T-R- in good faith.

The Petitioner resubmits some previously provided evidence, including photographs of the Petitioner and T-R-, as well as new evidence and maintains that the record on appeal, when considered as a whole, contains sufficient evidence of his good faith marital intentions. The record before the Director and on appeal does not support the Petitioner's claim to have entered into the marriage with T-R- in

good faith. The Petitioner includes two new statements from D-Z-, who reiterates the information in his prior statement, discusses the Petitioner's good character, states that the Petitioner hosted a birthday celebration for T-R- in [ ] and describes watching a basketball game with the Petitioner and T-R- on a Saturday while they ate junk food. Although these statements include discussions of some additional interaction with the Petitioner and T-R-, they still do not include probative details regarding these occasions and interactions to provide insights into the couple's marriage for purposes of establishing that the Petitioner entered into their marriage in good faith.

On appeal, the Petitioner also provides an updated evaluation from his therapist; however, it is substantially similar to the evaluation already provided in that it includes the information that the Petitioner reported to the therapist in sessions that began after his marriage was over. Moreover, some of the information that the therapist describes as coming from the Petitioner is inconsistent with the Petitioner's own statements to USCIS in this matter. For example, the therapist states that the Petitioner told her that he met T-R- in May 2017, and that T-R- was out of a job at that time and struggling to obtain a stable place to work. In contrast, the Petitioner had claimed in his initial statement in support of the VAWA petition that he met T-R- in March 2017, and that T-R- was working two jobs at that time so that she could support her daughter.

We acknowledge the Petitioner's explanation on appeal for the scant documentary evidence, namely that he and T-R- had so little money that they did not open a bank account, otherwise lived quietly and without social media, and that T-R- still controls access to his former residence, documents, and pictures. However, as explained, it remains that the evidence the Petitioner provided, including his own statements and photographs, declarations from friends, and his psychological evaluations, offers few probative details and little additional insight into the Petitioner's intentions in marrying T-R-. As such, the Petitioner has not demonstrated by a preponderance of the evidence that he entered into marriage with T-R- in good faith. *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)).

#### B. Joint Residence

The Director additionally determined that the Petitioner had not established that he resided with T-R-, as required under section 204(a)(1)(A)(iii)(II)(dd) of the Act. Because our determination here that he did not establish that he married T-R- in good faith is dispositive of his 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 he entered into marriage with his U.S. citizen spouse in good faith. Consequently, he has not demonstrated that he is eligible for immigrant classification pursuant to VAWA.

**ORDER:** The appeal is dismissed.