



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

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

In Re: 23925036

Date: JAN. 18, 2023

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse of U.S. Citizen or Lawful Permanent Resident

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen. Immigration and Nationality Act (the Act) section 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii). Under the Violence Against Women Act (VAWA), an abused spouse may self-petition as an immediate relative rather than remain with or rely upon an abuser to secure immigration benefits. The Director of the Vermont Service Center denied the petition, concluding that the record did not establish that the Petitioner entered the marriage with the U.S. citizen spouse in good faith or that the Petitioner resided with their U.S. citizen spouse. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review 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.

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 the 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).

A VAWA petitioner must also establish that they resided with the U.S. citizen spouse. Section 204(a)(1)(A)(iii)(II)(dd) of the Act. Evidence showing that the petitioner and the abusive spouse resided together may include employment records, utility receipts, school records, hospital or medical records, birth certificates of children, deeds, mortgages, rental records, insurance policies, affidavits, or any other type of relevant credible evidence of residency. 8 C.F.R. § 204.2(c)(2)(i), (iii). 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).

The Petitioner is a native and citizen of Dominican Republic who entered the United States in April 2017 with a visitor visa. In [ ] 2018, the Petitioner married G-A-<sup>1</sup>, a U.S. citizen. The Petitioner filed the instant VAWA petition in December 2019 based on this marriage and claim of battery or extreme cruelty by his U.S. citizen spouse.

The Director denied the petition, finding that the record did not establish that the Petitioner resided with his U.S. citizen spouse and entered the marriage with G-A- in good faith. The Director determined that apart from the claimed abuse by G-A-, the Petitioner's personal statement lacked any probative details regarding the Petitioner's relationship with G-A-, including how the Petitioner met his spouse, his courtship, the decision to get married, and other important events in the relationship between the Petitioner and G-A-. Similarly, affidavits from third party witnesses lacked sufficient probative detail regarding the Petitioner's relationship or shared residence with G-A-. The bills and insurance documents submitted with the petition were not contemporaneous with the dates that the Petitioner claimed to live with G-A-. The psychological evaluations focused primarily on defining the mental health issues of the Petitioner and did not provide probative details of the courtship and marriage of the Petitioner and G-A-.

On appeal, the Petitioner reasserts his eligibility for VAWA but does not identify any error in the Director's decision. Upon consideration of the entire record, we adopt and affirm the Director's decision with the comments below. *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) (“[W]e join eight of our sister circuits in ruling that the Board [of Immigration Appeals] need not write at length merely to repeat the [Immigration Judge's (IJ)] 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.”).

The Petitioner now submits on appeal additional documents including a living will and power of attorney executed by both the Petitioner and G-A- and naming the other as agents to act on their behalf for medical and legal matters. The Petitioner provided no additional personal statement or brief with the appeal explaining how the additional documents demonstrate eligibility for classification under VAWA. Without additional context and absent probative testimony from the Petitioner, the documents do not provide substantive insight into the Petitioner's intent in entering the marriage with G-A- or their claimed joint residence. The Petitioner bears the burden of establishing the relevance of the new evidence in the context of the current petition. *See Matter of Chawathe*, 25 I&N Dec. at 375. The new documents, in combination with the evidence submitted with the petition, do not establish that the Petitioner resided with G-A- or entered the marriage in good faith.

The Petitioner has not established that he resided with their U.S. citizen spouse or entered the marriage in good faith, as required. Consequently, he has not demonstrated eligibility for immigrant classification under VAWA.

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

**ORDER:** The appeal is dismissed.