



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

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

In Re: 25692383

Date: MAY 18, 2023

Appeal of Vermont Service Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Abused Spouse of U.S. Citizen or Lawful Permanent Resident)

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 did not establish that she had entered into the marriage in good faith, as required. The matter is now before us on appeal. 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.

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if they demonstrate, among other requirements, that they entered into the marriage in good faith and were battered or subjected to extreme cruelty perpetrated by the spouse. Section 204(a)(1)(A)(iii)(I) of the Act. 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). While we must consider any credible evidence relevant to the VAWA self-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 record establishes that the Petitioner married M-J-¹, a U.S. citizen, in [REDACTED] 2017. The Petitioner subsequently filed her VAWA petition in 2020. The Director denied the petition, finding that the Petitioner had not met her burden of establishing that she entered into marriage with M-J- in good faith. Specifically, the Director determined that the Petitioner's affidavits and the third-party affidavits of support lacked probative details related to the Petitioner's claim of good faith marriage. In addition, the Director found that the photographs in the record captured one-time events and without

¹ We use initials to protect the identities of the individuals in this case.

thorough explanations could not be given much evidentiary weight in determining if the Petitioner entered into the marriage with M-J- in good faith. On appeal, the Petitioner submits a brief and contends that the Director did not give sufficient weight to the documentation submitted as proof of her and M-J-'s good faith marriage.

We adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F3d 5, 8 (1st Cir. 1996) (joining eight U.S. Courts of Appeals in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case.")

The Petitioner's affidavits submitted with the petition and in response to the Director's request for evidence address her courtship with M-J-, describing how they met through a friend in 2007 while she resided in Liberia and M-J- resided in the United States; she explains that her friend sent M-J- a picture of her and they started communicating by phone and text. The Petitioner further details that she met M-J- for the first time in 2011 in Liberia and he visited her again in Liberia in 2012 and 2013. They married in [REDACTED] 2017 after the Petitioner entered the United States with a K-1 visa. The affidavits provide little detail of mutual interests or circumstances and events demonstrating the Petitioner's involvement prior to or during the marriage. The affidavits also do not offer any specific information regarding the Petitioner's residence with M-J-, such as details of the residence, home furnishings, daily routines, or any of their belongings. The third-party affidavits in the record are similarly vague regarding the Petitioner's courtship and marriage to M-J-. With regard to the undated photographs, they depict the Petitioner and M-J- together but do not otherwise provide context for or insight into things the couple did together and their shared experiences.

Regarding the submitted insurance policies, lease documentation, and utility bills, the documentation does not establish the commingling of resources and shared financial responsibilities normally associated with a bona fide marriage. We note that the utility bills referencing both the Petitioner and M-J- are from May through August of 2019, the change of beneficiary documentation referencing the Petitioner is from May 2019, and the residential lease agreement referencing both the Petitioner and M-J- is from September 2018, all dated well after the Petitioner and M-J-married. The record does not include any financial documentation containing the types of financial transactions normally associated with a bona fide marriage, such as rental, utility, grocery, or insurance payments.

The Petitioner must establish by a preponderance of the evidence that she entered into marriage with M-J- in good faith. As discussed above, considering the lack of probative evidence, the Petitioner has not met this burden. Therefore, she has not established her eligibility for immigrant classification under VAWA.

ORDER: The appeal is dismissed.