



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

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

In Re: 26031963

Date: MAY 19, 2023

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. *See* 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 Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), concluding that the record did not establish the Petitioner resided with her spouse or entered into a good faith marriage with him. 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.

## I. LAW

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if they demonstrate they entered into the marriage in good faith and were battered or subjected to extreme cruelty perpetrated by the spouse during their marriage. Section 204(a)(1)(A)(iii)(I) of the Act. The petitioner must also 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. 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).

## II. ANALYSIS

In [ ] 2016, the Petitioner married a U.S. citizen, P-H-,<sup>1</sup> in [ ] Connecticut. In June 2019, the Petitioner filed the instant VAWA petition based on her marriage to P-H-, claiming that he engaged

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<sup>1</sup> Initials are used throughout this decision to protect the identity of the individual.

in abusive behavior. The Petitioner stated in her VAWA petition that they resided together from March 2016 to February 2019, and listed [redacted] New York as the last place they lived together from November 2018 to February 2019. The Petitioner initially submitted two lease agreements with her VAWA petition. The Director noted the first handwritten lease was for an address in [redacted] [redacted] New York, was dated November 2017 to October 31, 2018, and was between [redacted] [redacted] the Petitioner and P-H-. The second lease listed the same address, was dated November 1, 2017, to November 1, 2018, and was between landlord N-V-, the Petitioner, and P-H-. The Director determined this documentation was insufficient to establish the Petitioner and P-H- resided together and issued a request for evidence (RFE). The Director stated the Petitioner did not submit evidence in response to the RFE, and therefore the Director concluded she did not establish she resided with P-H-.

Additionally, with regards to establishing good faith marriage, the Director reviewed and discussed the Petitioner's 2017 tax return, joint bank account statements, auto insurance documents, utility bills, third-party affidavits, and photographs. The Director stated the tax returns were not signed and there was no evidence they were filed; the bank account statements did not include transactions normally associated with a bona fide marriage; the auto insurance documents reflect that P-H- was added two years after their marriage; the third-party affidavits were brief and lacked specific information about their relationship; and the photographs lacked explanations and therefore were not given much evidentiary weight. The Director mentioned the joint utility bills but stated that this evidence alone was insufficient to establish a commingling of resources or shared responsibilities generally associated with a bona fide marriage. The Director concluded the evidence in the record was insufficient to establish the Petitioner entered into her marriage with P-H- in good faith.

On appeal, the Petitioner submits a brief, an auto insurance letter, three third-party affidavits from family and friends, medical records, a psychological evaluation, text messages between the Petitioner and P-H-, and copies of internet bills from November 2017 to July 2018. The two previously submitted leases cover essentially the same one-year period. They contain slightly inconsistent dates and different landlord names, and the Petitioner has not explained why there are two versions of the lease. Therefore, we give the two leases minimal weight. While the Petitioner has submitted several third-party affidavits, they are general in nature and lack probative value, as they lack specific dates and details of any instances where the affiants met at the Petitioner's and P-H-'s residence and do not provide descriptions of the actual residence evincing their life there. We note the Petitioner's psychological evaluation in which she stated she moved in with P-H- right after their wedding. However, the Petitioner does not submit an additional statement on appeal further discussing her claimed joint residence with P-H- and her brief statement in the psychological evaluation alone does not overcome the evidentiary deficiencies in the record.

Last, the record includes evidence that adds further inconsistency to whether the Petitioner resided with P-H-. The bank account statements from November 2018 to January 2019 list the [redacted] [redacted] New York address. However, the Petitioner reported on her VAWA petition that she resided with P-H- in [redacted] New York from November 2018 to February 2019, which is inconsistent with the [redacted] New York address from the bank account statements. The record also includes bank account statements from September 2016 to October 2017, bank account statements from January 2019 to June 2019, and utility bills from March 2019 to May 2019, all which list the [redacted] Connecticut address for the Petitioner and P-H-. The Petitioner claimed on her VAWA petition that

she stopped residing with P-H- in February 2019, but her bank account statements and utility bills include both of their names until June 2019 and May 2019 respectively. Based on the inconsistencies introduced into the record by the Petitioner and the lack of substantive information provided regarding her claimed joint residence with P-H-, she has not established by a preponderance of the evidence that she resided with P-H-. Therefore, the Petitioner has not established her eligibility for immigrant classification as an abused spouse of a U.S. citizen under the VAWA.

As we determined the Petitioner has not established she resided with P-H-, which is dispositive of the appeal, we decline to reach and hereby reserve the Petitioner's arguments and evidence regarding whether she entered into marriage with P-H- in good faith. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (explaining that "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).

**ORDER:** The appeal is dismissed.