



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

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

In Re: 27831685

Date: SEP. 14, 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. *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 petition, concluding that the record did not establish that the Petitioner had entered his marriage in good faith, resided with his U.S. citizen spouse or established good moral character. The matter is now before us on appeal. 8 C.F.R. § 103.3. On appeal the Petitioner states that he meets all the requirements for VAWA and submits evidence previously provided to the Director.

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

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 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).

II. ANALYSIS

The Petitioner, a citizen and national of Ghana, entered the United States as a visitor in 2004 and has not departed. The Petitioner married L-N-, a U.S. citizen, in [REDACTED] 2006 but divorced in [REDACTED] 2007. Following his divorce, he married N-R-, a U.S. citizen, and filed the current VAWA petition based on that relationship. The Petitioner filed his first VAWA petition in July 2017. That petition was denied for abandonment in January 2020. The Petitioner filed the current VAWA petition in December 2020. As evidence of good faith marriage, the Petitioner provided a one-page letter dated from April 2016, a copy of his marriage certificate, a copy of the Notice of Intent to Deny (NOID) and Denial notice for the I-130 Petition for Alien Relative filed on the Petitioner's behalf by N-R-. The Director issued a NOID and in response the Petitioner provided an affidavit of address, a personal statement, and affidavits from G-F-, F-B-, and W-A-. The Director determined that the evidence provided was insufficiently detailed to establish that the Petitioner married his spouse in good faith. In addition, the Director determined that the evidence did not establish that the Petitioner had met the good moral character requirements for VAWA or that he had resided with his U.S. citizen spouse.

On appeal, the Petitioner states that his marriage to his spouse was not for immigration purposes. In his personal statement on appeal the Petitioner states briefly that he and N-R- dated before getting married, his spouse lied about having children, his spouse lost her job that resulted in tension in the marriage, that they shared financial responsibilities and that N-R- left him after he was detained by Immigration and Customs Enforcement (ICE) in 2019. The Petitioner also provided a residential affidavit and affidavits from G-F-, J-W-, V-H-D-, and N-K-D-. Finally, the Petitioner provided an application for a SunTrust signature card and evidence related to his criminal history.

Upon de novo review, the Petitioner has not established that he married his spouse in good faith. The Petitioner's personal statement regarding his marriage to N-R- lacks probative details relating to his courtship, marital life, and significant moments in their dating history. The affidavits from friends are similarly vague and do not provide specific instances of when the affiants interacted with the Petitioner and his spouse. Moreover, each of the affiants indicates that N-R- left the marital home after the Petitioner was detained by ICE in 2019. The Petitioner claimed on both his VAWA petitions that he resided with his spouse until March 2015. The attestation of address signed by the Petitioner also affirms that he and N-R- stopped residing with one another in 2015. This directly contradicts the information provided by the Petitioner on appeal, including the statements of the affiants, and calls into question the affiants' familiarity with the Petitioner's relationship to N-R-. As mentioned above,

although we must consider any credible evidence relevant to the VAWA petition and do not require specific documents to support the Petitioner's claim, 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 evidence submitted below and on appeal, when considered in its totality, is insufficient to establish that the Petitioner married N-R- in good faith. The Petitioner claims to have been married to and lived with N-R- for close to eight years but has not provided specific information about their courtship, the marriage ceremony, and marital relationship aside from his general claims of abuse. As such, the Petitioner has not demonstrated, by a preponderance of the evidence, that he married N-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).

The Director additionally determined that the Petitioner had not established that he resided with N-R- as required under section 204(a)(1)(A)(iii)(II)(dd) of the Act, or the good moral character requirement under section 204(a)(1)(A)(iii)(II)(bb) of the Act. Because the Petitioner's inability to establish that he married N-R- in good faith is dispositive of his appeal, we decline to reach and hereby reserve the Petitioner's arguments regarding these additional grounds. *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 a petitioner is otherwise ineligible).

ORDER: The appeal is dismissed.