



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

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

In Re: 19976150

Date: JUL. 19, 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). The matter is now before us on appeal. On appeal, the Petitioner submits new evidence and asserts that he has established eligibility for the benefit sought. The Administrative Appeals Office reviews 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 must establish, among other requirements, that they entered into the qualifying marriage to the 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). 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). 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 Act bars approval of a VAWA petition if the petitioner entered into the marriage giving rise to the petition while in removal proceedings, unless the petitioner establishes by clear and convincing evidence that the marriage was entered into in good faith and not solely for immigration purposes. *See* sections 204(g) and 245(e)(3) of the Act, 8 U.S.C. §§ 1154(g) and 1255(e)(3) (outlining the restriction on, and exception to, marriages entered into while in removal proceedings); *see also* 8 C.F.R. § 204.2(c)(1)(iv) (providing that a self-petitioner "is required to comply with the provisions of . . . section 204(g) of the Act"). Clear and convincing evidence is that which, while not "necessarily conclusive, . . . will produce in the mind . . . a firm belief or conviction, or . . . that degree of proof

which is more than a preponderance but less than beyond a reasonable doubt.” *Matter of Carrubba*, 11 I&N Dec. 914, 917 (BIA 1966).

## II. ANALYSIS

The Petitioner, a native and citizen of Grenada, was placed into removal proceedings in [ ] 2010. He married his U.S. citizen spouse, H-B-,<sup>1</sup> in [ ] 2015 while he was in removal proceedings. The Petitioner subsequently filed his VAWA petition in August 2017. The Director determined the Petitioner had not met his burden of establishing by clear and convincing evidence that he entered into marriage with H-B- in good faith, as required by section 204(g), because the Petitioner married his spouse while in removal proceedings, and he did not establish his eligibility for immigrant classification under section 201(b)(2)(A)(i) of the Act.

The Director determined that the documentation submitted with the initial VAWA petition and in response to two requests for evidence (RFE) did not establish by clear and convincing evidence that the Petitioner entered into marriage with H-B- in good faith. The Director noted that the Petitioner’s affidavits and third-party affidavits of support lacked consistent, probative details related to the Petitioner’s claim of good faith marriage, did not sufficiently detail the development of the Petitioner’s relationship with H-B-, and failed to substantively describe shared experiences. The Director also noted that the affidavit provided by the Petitioner’s nephew included inconsistent details regarding the timeline of the Petitioner’s relationship with H-B-. Specifically, the Petitioner’s nephew stated that he introduced the Petitioner to H-B- in 2014, the year prior to their 2015 wedding, whereas the Petitioner indicated he was friends with H-B- for two years before they married in 2015.

In addition, the Director found that the supporting documentation, to include bank account statements, federal income tax returns, utility and medical bills, health insurance cards, and vehicle registration information, was not sufficient to show a commingling of resources and shared financial responsibilities. The Director indicated that the bank statement only covered the period of January to March 2017, it did not demonstrate that the account was used as a household account to pay items such as utilities or other monthly responsibilities, and it had limited evidentiary weight because, according to the VAWA petition, the Petitioner stopped residing with H-B- in January 2017. The Director noted that the Petitioner’s federal income tax returns filed during his marriage to H-B- from 2015 to 2017 reflected his filing status as Head of Household, which is intended for single individuals with dependents, or married individuals who have not resided with their spouse for the majority of the tax year and who also have dependents, and therefore did not demonstrate a joint commingling of financial obligations with H-B-. While the Director acknowledged the submitted loan agreement, vehicle registration, and utility and medical bills, the denial noted that the documents only listed the Petitioner’s name and did not demonstrate jointly held accounts or financial responsibilities with H-B-.

On appeal, the Petitioner asserts the Director failed to take into account the abusive nature of his marriage with H-B- and the totality of the circumstances. He contends that his personal affidavits and the third-party letters of support included sufficient detail concerning the Petitioner’s relationship with H-B- and that the Director erred in dismissing the detailed affidavit provided by the Petitioner’s nephew due to an error between his recollection of the date he introduced H-B- to the Petitioner and

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<sup>1</sup> Initials are used to protect the privacy of individuals.

the Petitioner's statements. He asserts that he provided the evidence he could to reflect their joint use of accounts, such as health insurance documentation and their joint bank account, but that due to the abuse he did not have access to many documents; he and H-B- had separate bank accounts and transferred money into one joint account; and H-B- handled their finances. On appeal, the Petitioner submits internet printouts to clarify that the previously submitted rent receipt pertained to a storage unit rather than a residence.

Upon *de novo* review, we adopt and affirm the Director's decision that the Petitioner has not established by clear and convincing evidence that he married H-B- in good faith. *See, e.g., Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994) (noting that the "independent review authority" of the Board of Immigration Appeals (Board) does not preclude adopting or affirming the decision below "in whole or in part, when [the Board is] in agreement with the reasoning and result of that decision"); *see also Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) (noting that, "[a]s a general proposition, if a reviewing tribunal decides that the facts and evaluative judgments prescinding from them have been adequately confronted and correctly resolved by" the decision below, "then the tribunal is free to simply adopt those findings" provided the tribunal's order reflects individualized attention to the case").

The Petitioner's arguments and evidence submitted on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet his burden of establishing he married H-B- in good faith. Although we acknowledge the Petitioner's explanation regarding the abusive nature of the relationship and his difficulty in obtaining documentary evidence, the evidence provided offers little additional insight into the Petitioner's intentions in marrying H-B-. The Petitioner's affidavits address his initial courtship with H-B- in a general manner, describing how he met her through his nephew, they were friends for two years, they felt a connection due to a shared heritage associated with Great Britain, due to the Petitioner's work schedule they would not have long periods of time together and would mostly hang out together and enjoy each other's company, he proposed to H-B- one night when she was visiting him in New York when they were watching a movie together, and they were married in [redacted] 2015. The Petitioner's affidavits offer minimal insight into the relationship prior to their marriage and do not contain sufficient detail demonstrating his intent in entering marriage with H-B-. Instead, the affidavits predominantly focus on the claimed abuse by H-B-. The third-party affidavits are similarly vague regarding the Petitioner's courtship and marriage to H-B-, except as they contain detail relating to claimed abuse. The letters of support generally discuss the wedding between the Petitioner and H-B-, when they were introduced to H-B-, and the Petitioner's comments about how much he loved H-B-.

In addition to the discrepancies previously noted concerning the affidavit provided by the Petitioner's nephew, the other third-party affidavits contain inconsistencies with the Petitioner's statements and information in the record. For example, S-W- states that the Petitioner paid all the bills at home to relieve H-B- of those responsibilities and both S-W- and N-M- indicate the Petitioner moved out of the home he shared with his former spouse in March 2017. In contrast, the Petitioner affirmed in his affidavits that H-B- was in charge of paying the bills and managing their expenses and he stated on his VAWA petition that he resided with H-B- until January 2017. In whole, these affidavits do not contain consistent and sufficiently detailed information to demonstrate the Petitioner's intention in entering marriage or the *bona fides* of his marital relationship.

Regarding the submitted health insurance cards, loan documents, vehicle registration information, utility and medical bills, bank statements, and income tax returns, we concur with the Director's determination that the documentation reflects minimal use of shared accounts that are normally associated with a *bona fide* marriage or otherwise establish shared financial responsibilities. Though we acknowledge the Petitioner's submission on appeal of internet printouts to clarify that the previously submitted rent receipt pertained to a storage unit rather than rent for a residence, he has not submitted additional evidence addressing his good faith intention to marry H-B-.

As stated, because he entered into marriage while in immigration removal proceedings, the Petitioner must establish by *clear and convincing evidence* that he entered into marriage with H-B- in good faith. As discussed above, considering the lack of consistent, probative evidence, the Petitioner has not met this burden. Therefore, he has not established his eligibility for immigrant classification under VAWA.

**ORDER:** The appeal is dismissed.