



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

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

In Re: 17514419

Date: APR. 20, 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 (the Director) denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), determining the Petitioner did not establish joint residence with her U.S. citizen spouse or that she entered into marriage with her U.S. citizen spouse in good faith. On appeal, the Petitioner asserts her eligibility for VAWA classification.

We review the questions in this matter *de novo*. See *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

Petitioners who are spouses of U.S. citizens may self-petition for immigrant classification if they demonstrate they entered into marriage with the U.S. citizen in good faith and that, during the marriage, they were battered or subjected to extreme cruelty perpetrated by their U.S. citizen spouse. Section 204(a)(1)(A)(iii) 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).

II. ANALYSIS

The Petitioner married her U.S. citizen spouse, D-W-J,¹ in [] 2014 and divorced him in [] 2017. The Petitioner filed her VAWA petition in May 2018. The Director denied the petition concluding the Petitioner had not met her burden of establishing her joint residence with D-W-J- or that she entered into marriage with him in good faith.

¹ Initials are used to protect the privacy of this individual.

On appeal, the Petitioner asserts the Director did not give enough weight to her psychological and medical evaluations. The Petitioner also contends she submitted evidence explaining why she has few bank statements and that she wanted marriage counseling with D-W-J-, but he did not attend. The Petitioner claims she has submitted sufficient evidence of emotional ties, commingling of resources, and shared financial responsibilities with D-W-J-. The record contains, in relevant part, the personal statements from the Petitioner; her psychological evaluation; a photograph of a bottle of prescription medication bearing the Petitioner's name; letters from the Petitioner's sister, sister-in-law, niece, P-E-, and G-N-; financial documentation for the Petitioner; photographs of the Petitioner and D-W-J-; a letter from the Petitioner's church.

In denying the VAWA petition, the Director determined the Petitioner's personal statements and third-party letters of support lacked probative details related to the Petitioner's claim of good faith marriage to D-W-J-. The Director also noted the Petitioner indicated on her nonimmigrant visa application that she was married to another individual, which was inconsistent with her VAWA petition claim that she has only been married once. The Director did not find the Petitioner to be a reliable or credible witness and determined the Petitioner had not met her burden of demonstrating she shared a joint residence with D-W-J- or that she entered into their marriage in good faith.

We adopt and affirm the Director's decision insofar as the Director determined the Petitioner has not established that she entered into marriage with D-W-J- in good faith. *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) ("we join eight of our sister circuits in ruling that the Board [of Immigration Appeals] need not write at length merely to repeat the IJ's [Immigration Judge's] 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's arguments on appeal are not sufficient, standing alone or viewed in totality with the underlying record, to meet her burden of establishing she married D-W-J- in good faith. The Petitioner asserts the Director did not give enough weight to her psychological and medical evaluations. Though the Petitioner's psychological evaluation contains the Petitioner's statements regarding abuse, it does not include information concerning her courtship and other aspects of her relationship with D-W-J-. Similarly, evidence that D-W-J- did not attend counseling with the Petitioner does not address the period of his courtship with the Petitioner. The record contains a photograph of a prescription bottle bearing the Petitioner's name but does not contain any further medical evaluations for the Petitioner. The letters of support submitted from the Petitioner's sister, sister-in-law, niece, P-E-, G-N-, and her church also do not contain details concerning the courtship or relationship between the Petitioner and D-W-J- apart from abuse. The Petitioner asserts she met the Petitioner at a restaurant in April 2012; he asked her out a month later; and they dated for a while, during which the Petitioner cooked for him. The Petitioner contends they decided she should stay in the United States when it was time for her to return to Jamaica in August 2012 and D-W-J- proposed to her at the same restaurant where they met in March 2013. We do not find that the Petitioner's personal statements contain detail and meaningful shared experiences, values, or interests during her courtship that led to the Petitioner's decision to marry D-W-J-. In addition, the record contains a discrepancy concerning the Petitioner's claimed period of habitation with D-W-J- during their engagement period. The Petitioner asserts in her personal statement and psychological evaluation that she first moved in with D-W-J- in February 2014 at a [redacted] Avenue address. However, in a May 2016 sworn statement, the Petitioner asserted that

prior to residing with D-W-J- at the [] Avenue address, she first resided with D-W-J- from April 2013 to February 2014.

The Petitioner contends on appeal that submitted only a few bank statements because she did not have a social security number. In her personal statement, the Petitioner asserts she did not receive a social security number until March 2016. The record contains bank statements for the Petitioner from March, April, and May 2016. However, this evidence does not indicate commingling of funds with D-W-J-, as he is not included on these bank statements. The record also does not contain other evidence of shared responsibilities between the Petitioner and D-W-J-; the Petitioner acknowledges she was not listed on the Petitioner's lease, utilities, insurance, or any other bills. The Petitioner expresses her belief that D-W-J- was not aware of a way for her to be listed jointly on these expenses, as she lacked a social security number. We acknowledge that a petitioner can face difficulties in obtaining documentary evidence. But petitioners must demonstrate their eligibility by a preponderance of the evidence standard. As indicated above, while any credible evidence will be considered in assessing whether a petitioner has met their burden to establish eligibility, USCIS has sole discretion to determine the credibility of and the weight given to such evidence. We have reviewed the submitted evidence, detailed above, and it is not sufficient to overcome the lack of probative details and discrepancies in the record. Overall, the Petitioner has not established she entered into marriage with her U.S. citizen spouse in good faith.

Since the identified basis for denial is dispositive of this matter, we decline to reach and hereby reserve the Petitioner's arguments regarding whether she has also demonstrated joint residence with D-W-J-. *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 an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not overcome the basis of the Director's denial on appeal and has not demonstrated her eligibility for VAWA classification.

ORDER: The appeal is dismissed.