



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

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

In Re: 17258132

Date: MAR. 22, 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), concluding that the Petitioner did not establish that he was battered or subjected to extreme cruelty perpetrated by his spouse, that they resided together, or that he is a person of good moral character, as required. The matter is now before us on appeal.

A petitioner who is the spouse or former spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner demonstrates, in part, that they entered into the marriage with the U.S. citizen spouse in good faith and the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii) of the Act. In addition, among other things, a petitioner must establish their good moral character and that they have resided with the abusive spouse. Section 204(a)(1)(A)(iii)(II)(bb) and (dd) of the Act. The burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

Upon *de novo* review, we will dismiss the appeal, and we adopt and affirm the Director's decision. *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."). As the Director found, a criminal records check using the Petitioner's fingerprints showed that the Petitioner was arrested in 2019 (disorderly conduct) and in 2020 (simple assault and disorderly conduct), and that the disposition of the charges was unknown. Although the Director issued a request for evidence (RFE) seeking, in part, copies of arrest report(s) and related court documents, the Petitioner did not address his criminal history in response to the RFE and did not provide the requested documents. He continues to not address his arrests and has not provided any other information regarding his criminal history on appeal. The Petitioner has therefore not met his burden of establishing his good moral character, as required. *See* 8 C.F.R. § 204.2(c)(2)(v) (describing primary evidence of good moral

character including the petitioner's affidavit, local police clearances, and state-issued criminal background checks).¹

ORDER: The appeal is dismissed.

¹ Although the Director also concluded the Petitioner did not establish that he was subjected to battery or extreme cruelty perpetrated from his spouse, or that they resided together, we need not reach these issues and, therefore, reserve them. Our reservation of these two additional and separate bases for denying the application is not a stipulation that the Petitioner overcame these grounds for denial and should not be construed as such. Rather, there is no constructive purpose to addressing them because they cannot change the outcome of the appeal. *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).