



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

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

In Re: 29583843

Date: DEC. 1, 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 Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition), concluding that the Petitioner did not establish that she resided jointly with her U.S. citizen spouse, entered into the marriage in good faith, and was battered or subjected to extreme cruelty by her spouse, as section 204(a)(1)(A)(iii) of the Act requires. The matter is now before us on appeal. 8 C.F.R. § 103.3. Upon de novo review, we will dismiss the appeal.

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). The Administrative Appeals Office (AAO) reviews the questions in this matter de novo. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). While U.S. Citizenship and Immigration Services (USCIS) 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).

On appeal, the Petitioner alleges that the Director erred by disregarding affidavits of witnesses and did not consider the “difficulty of the marital situation with the abusive USC spouse in obtaining joint marital evidence and that VAWA is not limited to physical abuse.” The Petitioner does not submit any further argument or supporting evidence with her appeal. She indicated in her June 2023 Form I-290B, Notice of Appeal or Motion, that she intended to file a brief within 30 days, but has not done so as of the date of this decision.

We adopt and affirm the Director’s decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been “universally accepted by every other circuit that

has squarely confronted the issue”); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give “individualized consideration” to the case).

The Director discussed in detail the evidence the Petitioner had submitted and noted unresolved discrepancies in the documentation. Regarding the requirement that the Petitioner establish joint residence with her U.S. citizen spouse per section 204(a)(1)(A)(iii)(II)(dd) of the Act, the Director evaluated the evidence, including affidavits, housing records, and financial documents in the form of tax records, insurance policies, bank statements, and utility bills. The Director explained why the evidence was insufficient, individually and when considered in the aggregate, to show that the Petitioner lived with her U.S. citizen spouse, because it contained inconsistencies and did not demonstrate rent payments, joint financial responsibilities, or detailed information about their claimed shared residence.

As for good faith marriage, the Director evaluated in detail the Petitioner’s affidavit, supporting affidavits, marriage certificate, photographs, and housing, financial, and medical records. Contrary to the Petitioner’s assertion, the Director did not disregard the affidavits but instead noted that they were vague, the documentation did not show commingling of assets or shared marital responsibilities, and the marriage certificate and photographs were not enough when considered in conjunction with the other evidence to show good faith marriage. Accordingly, the Director determined that the evidence did not provide sufficiently detailed, credible information about the Petitioner’s courtship, marriage ceremony, or marital relationship with her spouse to show her intent in entering into the marriage. The Director concluded that the Petitioner had not met her burden of establishing that she married her U.S. citizen spouse in good faith, as section 204(a)(1)(A)(iii)(I)(aa) of the Act requires. 8 C.F.R. § 204.2(c)(1)(ix); *see generally* 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).

In relation to the Petitioner’s claim that her U.S. citizen spouse battered or subjected her to extreme cruelty, as she must show pursuant to section 204(a)(1)(A)(iii)(I)(bb) of the Act, the Director determined that the Petitioner had not submitted credible evidence. On appeal, the Petitioner correctly notes, as a general matter, that abuse for purposes of VAWA classification is not always physical. We also acknowledge that VAWA petitioners may be unable to obtain certain types of evidence, which is why USCIS must consider any credible evidence relevant to the VAWA petition, and we have done so in this case. Section 204(a)(1)(J) of the Act. However, we determine, in our sole discretion, what evidence is credible and the weight to give to such evidence. 8 C.F.R. § 204.2(c)(2)(i). The Petitioner’s previously submitted personal and supporting affidavits mention some instances of threats, name calling, yelling, and other types of claimed mistreatment by her U.S. citizen spouse. But the Director correctly noted that the affidavits are vague, and the Petitioner submits no additional evidence or specific argument on this issue on appeal.

On appeal, the Petitioner does not submit evidence or argument specifically addressing the grounds for the Director’s denial. Although she claims generally that the Director did not take into account the difficulty of obtaining records due to the abuse in her marriage, the Petitioner does not point to any specific errors in the Director’s decision. The record reflects that the Director considered the evidence

the Petitioner provided and explained why it was insufficient to meet the Petitioner's burden. The Petitioner does not address the Director's concerns with the credibility or sufficiency of the evidence or provide more detailed or specific information on appeal.

**ORDER:** The appeal is dismissed.