



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

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

In Re: 24067108

Date: FEB. 14, 2023

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Abused Spouse of U.S. Citizen or Lawful Permanent Resident

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). We subsequently adopted and affirmed the Director's decision and dismissed the Applicant's appeal accordingly. The matter is now before us on a combined motion to reopen and reconsider. Upon review, we will dismiss the motion.

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must establish that our decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). We cannot grant a motion that does not meet applicable requirements. *See* 8 C.F.R. § 103.5(a)(4).

The issue before us is whether the Petitioner has submitted new facts supported by documentary evidence sufficient to warrant reopening his appeal or established that our decision to dismiss the appeal was based on an incorrect application of law or USCIS policy. On motion, the Petitioner again contends that not enough weight was given to the submitted life insurance policy, claiming it indicated their intent to secure each other's financial future, and to the joint auto insurance policy that reflected their intention to drive the same vehicle and assume joint liability. The Petitioner also asserts again on motion that the submitted bank statements and cell phone bills are further evidence of their commingling of resources and shared financial responsibilities.¹

As detailed in our decision to adopt and affirm the Director's decision and dismiss the appeal, the Petitioner's affidavit addressed his initial courtship with X-L- in a vague and general manner; it offered

¹ The Petitioner further contends on motion that a psychological evaluation previously submitted establishes an "extremely abusive relationship." These assertions were also in the February 2021 brief in support of the appeal that we dismissed in May 2022. We note that the Petitioner's brief on motion is virtually identical to the brief submitted in support of his appeal.

little insight into the relationship prior to and during their marriage and did not contain sufficient detail demonstrating his intent in entering marriage with X-L-. The third-party affidavits were similarly vague regarding the Petitioner's courtship and marriage to X-L-, except as they contained detail relating to claimed abuse. In whole, the affidavits did not sufficiently demonstrate the Petitioner's intention in entering marriage or the *bona fides* of his marital relationship. We further concurred with the Director that the Petitioner's photographs with X-L- represented a few occasions where he spent time with his spouse and were not sufficient evidence to establish he entered into marriage with X-L- in good faith. Regarding the submitted life insurance and auto insurance policies, bank statements, cell phone bills, income tax return, and lease, the documentation reflected minimal use of shared accounts. We also detailed that because the Petitioner entered into marriage while in immigration removal proceedings he must establish by *clear and convincing evidence* that he entered into marriage with X-L- in good faith. As discussed above, considering the lack of relevant, probative evidence, the Petitioner had not met this burden.

On motion, we find that the Petitioner has not submitted new facts supported by documentary evidence sufficient to warrant reopening his appeal or established that our decision to dismiss the appeal was based on an incorrect application of law or USCIS policy.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.