



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

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

MATTER OF C-C-P-

DATE: AUG. 22, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-360, PETITION FOR AMERASIAN, WIDOW(ER), OR SPECIAL IMMIGRANT

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 her spouse, J-G-, battered or subjected her to extreme cruelty, and that she entered into her marriage with J-G- in good faith.<sup>1</sup>

The matter is now before us on appeal. On appeal, the Petitioner asserts that she submitted sufficient evidence to establish her eligibility for the benefit sought.

Upon *de novo* review, we will dismiss the appeal.

#### I. LAW

A petitioner who is the spouse of a United States citizen may self-petition for immigrant classification if the petitioner demonstrates that he or she entered into the marriage with the United States citizen spouse in good faith and that during the marriage, the petitioner or his or her child was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. In addition, a petitioner must show that he or she is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and is a person of good moral character. Section 204(a)(1)(A)(iii)(II) 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). A petitioner may submit any evidence for us to consider, however, we determine the credibility of and the weight to give that evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

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<sup>1</sup> Initials are used throughout this decision to protect the identities of the individuals.

## II. ANALYSIS

### A. Battery or Extreme Cruelty

Under the regulations, a petitioner may be found to have been battered or subjected to extreme cruelty if he or she was the victim of acts including, but not limited to, violence resulting in mental or physical injury, psychological or sexual abuse, or acts that, in and of themselves, may not initially appear violent but are a part of an overall pattern of violence. 8 C.F.R. § 204.2(c)(1)(vi). To establish that he or she was battered or subjected to extreme cruelty, a petitioner may submit evidence such as police reports, records from a court, school, church, shelter, or social service agency, photographs, affidavits, and other credible evidence. 8 C.F.R. § 204.2(c)(2)(iv). The relevant evidence here includes the Petitioner's personal statement, statements from several friends, notes related to a psychiatric evaluation, and prescriptions for pharmaceuticals. This evidence is insufficient to demonstrate that J-G- battered or subjected the Petitioner to extreme cruelty.

In her personal statement, the Petitioner recalled that, after two months of marriage, there was less communication between the couple, and J-G- became more secretive, made excuses for not spending the night with the Petitioner, and removed her wedding ring when attending social events where her child's father was present. The Petitioner related that J-G- became distant and acted indifferently towards her. She stated that they argued regarding photos J-G- posted on Facebook, which the Petitioner perceived as depicting J-G- flirting with men. The Petitioner also reported that J-G- told the Petitioner four months after they married that she was no longer a lesbian and wished to end their relationship. In her personal statement, the Petitioner did not describe any specific incidents of abuse by J-G- in sufficient detail to establish that J-G- battered or subjected her to extreme cruelty or that J-G-'s actions are comparable to acts which constitute battery or extreme cruelty, such as sexual abuse, forced prostitution, forceful detention, or other acts or threats of violence. 8 C.F.R. § 204.2(c)(1)(vi).

In their statements, the Petitioner's friends generally reported that J-G- was possessive and jealous of the Petitioner, and ignored and did not communicate with the Petitioner. As the Director noted in a request for evidence, the notes related to a psychiatric evaluation are illegible and, as a result, do not provide useful evidence with respect to whether J-G- battered or subjected the Petitioner to extreme cruelty. The prescriptions relate primarily to pharmaceuticals used to treat depression but the Petitioner does not present sufficient evidence establishing that she was diagnosed with depression, and, if she was, whether such a diagnosis relates to any actions by J-G-. As a result, this evidence is insufficient to establish that J-G-'s actions are comparable to acts which constitute battery or extreme cruelty, such as sexual abuse, forced prostitution, forceful detention, or other acts or threats of violence. 8 C.F.R. § 204.2(c)(1)(vi). Accordingly, the Petitioner does not establish that J-G- battered or subjected the Petitioner to extreme cruelty, as required by section 204(a)(1)(A)(iii) of the Act.

**B. Entry into the Marriage in Good Faith**

A petitioner must also establish that he or she did not enter into their marriage for the primary purpose of circumventing the immigration laws. 8 C.F.R. § 204.2(c)(1)(ix). Evidence of a good faith marriage may include documents showing the spouses listed each other on insurance policies, leases, tax forms, or bank accounts; evidence regarding their courtship, wedding ceremony, shared residence and experiences; birth certificates of any children born to petitioner and his or her spouse; police reports, medical records, or court documents; affidavits from individuals with personal knowledge of the relationship; and other credible evidence. 8 C.F.R. § 204.2(c)(2)(vii).

The relevant evidence with respect to whether the Petitioner entered into her marriage with J-G- in good faith includes her personal statement and the statements from her friends. In her personal statement, the Petitioner recounted that she met J-G- at a party in December 2013, began a friendship and romantic relationship with her, moved in with her in August 2014, and they became engaged the following February. The Petitioner described in her personal statement several conversations she and J-G- had regarding getting married, and she provided detailed information regarding their engagement and wedding. In their statements, the Petitioner's friends recalled seeing the couple together at holiday parties, school functions for J-G-'s children, and family gatherings. Accordingly, the Petitioner's personal statement and the statements from her friends provide sufficient probative details to establish that she entered into her marriage with J-G- in good faith and we withdraw the Director's decision solely as to this ground of eligibility.

Accordingly, the Petitioner established by a preponderance of the evidence that she entered into her marriage with J-G- in good faith. Section 204(a)(1)(A)(iii)(I)(aa) of the Act.

**III. CONCLUSION**

The Petitioner did not establish that she was battered or subjected to extreme cruelty by her spouse, although she did establish that she entered into marriage with her spouse in good faith. Accordingly, the VAWA petition must remain denied.

**ORDER:** The appeal is dismissed.

Cite as *Matter of C-C-P-*, ID# 462848 (AAO Aug. 22, 2017)