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U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
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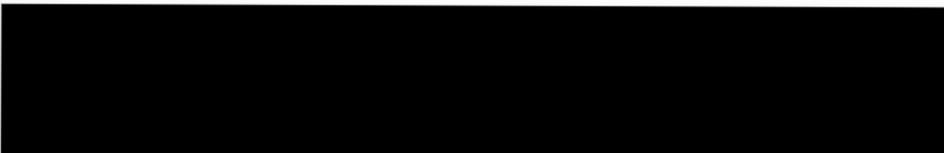
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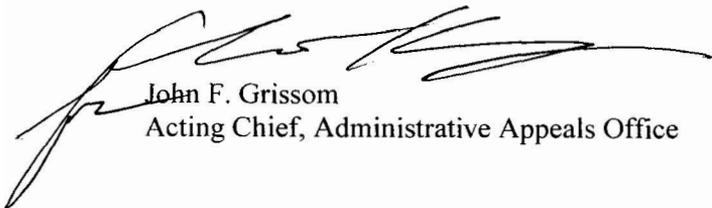
PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The service center director denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (“the Act”), 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a United States citizen.

The director denied the petition on the basis of his determination that the petitioner had failed to establish: (1) that her husband subjected her to battery or extreme cruelty; and (2) that she entered into marriage with her husband in good faith.

The petitioner filed a timely appeal on June 22, 2007

Section 204(a)(1)(A)(iii) of the Act provides that an alien who is the spouse of a United States citizen may self-petition for immigrant classification if the alien demonstrates that he or she entered into the marriage with the United States citizen spouse in good faith and that during the marriage, the alien or a child of the alien was battered or subjected to extreme cruelty perpetrated by the alien’s spouse. In addition, the alien 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, 8 U.S.C. § 1154(a)(1)(A)(iii)(II).

Section 204(a)(1)(J) of the Act, 8 U.S.C. § 1154(a)(1)(J) states, in pertinent part:

In acting on petitions filed under clause (iii) or (iv) of subparagraph (A) . . . , or in making determinations under subparagraphs (C) and (D), the [Secretary of Homeland Security] shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the [Secretary of Homeland Security].

The eligibility requirements are explained further at 8 C.F.R. § 204.2(c)(1), which states, in pertinent part, the following:

- (vi) *Battery or extreme cruelty.* For the purpose of this chapter, the phrase “was battered by or was the subject of extreme cruelty” includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The qualifying abuse must have been committed by the citizen . . . spouse, must have been perpetrated against the

self-petitioner or the self-petitioner's child and must have taken place during the self-petitioner's marriage to the abuser.

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- (ix) *Good faith marriage.* A spousal self-petition cannot be approved if the self-petitioner entered into the marriage to the abuser for the primary purpose of circumventing the immigration laws. A self-petition will not be denied, however, solely because the spouses are not living together and the marriage is no longer viable.

The evidentiary guidelines for a self-petition filed under section 204(a)(1)(A)(iii) of the Act are explained further at 8 C.F.R. § 204.2(c)(2), which states, in pertinent part, the following:

*Evidence for a spousal self-petition –*

- (i) *General.* Self-petitioners are encouraged to submit primary evidence whenever possible. The Service will consider, however, any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Service.
- (ii) *Relationship.* A self-petition file by a spouse must be accompanied by evidence of . . . the relationship. Primary evidence of a marital relationship is a marriage certificate issued by civil authorities. . . .

\* \* \*

- (iv) *Abuse.* Evidence of abuse may include, but is not limited to, reports and affidavits from police, judges and other court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel. Persons who have obtained an order of protection against the abuser or have taken other legal steps to end the abuse are strongly encouraged to submit copies of the relating legal documents. Evidence that the abuse victim sought safe-haven in a battered women's shelter or similar refuge may be relevant, as may a combination of documents such as a photograph of the visibly injured self-petitioner supported by affidavits. Other forms of credible relevant evidence will also be considered. Documentary proof of non-qualifying abuses may only be used to establish a pattern of abuse and violence and to support a claim that qualifying abuse also occurred.

- (vii) *Good faith marriage.* Evidence of good faith at the time of marriage may include, but is not limited to, proof that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; and testimony or other evidence regarding courtship, wedding ceremony, shared residence and experiences. Other types of readily available evidence might include the birth certificates of children born to the abuser and the spouse; police, medical, or court documents providing information about the relationship; and affidavits of persons with personal knowledge of the relationship. All credible relevant evidence will be considered.

The petitioner is a citizen of Ecuador who entered the United States, without authorization, on or around April 1, 1996. She married R-M-,<sup>1</sup> a United States citizen, on June 22, 2005. R-M- filed Form I-130, Petition for Alien Relative, on behalf of the petitioner on August 25, 2005. The Form I-130 was withdrawn at the request of R-M- on January 31, 2006.

The petitioner filed the instant Form I-360 on June 30, 2006. The director issued a notice of intent to deny (NOID) the petition on February 13, 2007, which notified the petitioner of deficiencies in the record and afforded her additional time in which to submit additional evidence to establish that she was subjected to battery or extreme cruelty by R-M-; and that she married R-M- in good faith. The petitioner did not respond to the director's NOID and, accordingly, the director denied the petition on May 22, 2007.

### **Battery and/or Extreme Cruelty**

The first issue on appeal is whether the petitioner has demonstrated that she was subjected to battery or extreme cruelty by R-M-. In support of her claim that she was abused by R-M- the petitioner submits affidavits, police reports, a protective order, and court documents.

In her June 23, 2006 affidavit, the petitioner stated, with regard to the abuse she allegedly suffered during her marriage to R-M-, that shortly after their wedding, R-M- applied for a passport so that he could visit the petitioner's children in Ecuador, but the passport application was refused because he owed \$35,000 in back child support. R-M- asked the petitioner to help him pay the money he owed, but the petitioner told him that she could not, as she worked very hard to make ends meet. The petitioner reported that, after that, R-M- changed. The petitioner stated that, fifteen days after their wedding, she and R-M- went to the petitioner's bank so that they could add his name to the petitioner's checking account. While there, R-M- discovered that the petitioner had \$1,600 in her savings account, which she was saving for her daughter, who has cerebral palsy. According to the petitioner, R-M- told her that from the moment of their marriage, he owned her, and that he could do anything he wanted with her, as well as with her money. The petitioner stated that she told him

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<sup>1</sup> Name withheld to protect individual's identity.

he was crazy if he thought that way; that if things were going to be that way they should divorce; that she does not have a lot of money to pay for his problems; and that he needed to find a job.

The petitioner reported that, on another occasion, she and R-M- started arguing. The petitioner's daughter, who was then four years old,<sup>2</sup> began crying, due to the tense situation. R-M- told the petitioner's daughter to shut her mouth, and told the petitioner that her daughter was "trash" and another, profane, name. The petitioner stated that she asked R-M- to stop screaming, as he was scaring her daughter. R-M- replied by telling the petitioner that she was a cheap prostitute who had only married him to get a green card; that he could have her entire family "disappeared" if he wanted; that he would call immigration authorities and have her deported; and that he would make certain that she was separated from her daughter.

The petitioner reported another instance of abuse that occurred on August 20, 2005. According to the petitioner, on that day R-M- insulted her; called her names; and threatened her immigration status. The petitioner's daughter began crying, and R-M- began yelling at her as well, telling her to shut up. R-M- also threatened to hit the petitioner's daughter.

The petitioner reported that, on another occasion, she received a call from her daughter's school. According to the petitioner, her daughter's teacher asked her if there were any problems at home, as the petitioner's daughter had told her teacher that she was afraid of R-M- because he yelled and screamed at her mom, and because he yelled at her; and that she did not want to see R-M-. According to the petitioner, her daughter's teacher was concerned for the safety of the petitioner and her daughter.

According to the petitioner, she was "always thinking" that R-M- would change. He would be nice to her and her daughter for a few days, but would then begin screaming and yelling again.

The petitioner testified that R-M- constantly accused her of cheating on him. Her daughter has cerebral palsy, and the petitioner takes her to Chicago to see a specialist regularly. On the days she took her daughter to Chicago, R-M- would accuse her of having sexual relations with anyone who asked. The petitioner also stated that R-M- told her that every time he looked at her daughter, he thought of her father, and became jealous.

The petitioner also stated that, although she had told R-M- that she was not working to pay for his back child support obligations, and that he needed to get a job, he nonetheless took money from their joint checking account to pay for his back child support. Without her knowledge, he permitted the court to deduct money from their joint bank account. The petitioner took her daughter to Wal-Mart to buy a Halloween costume, and used her debit card from the joint account. Three days later, she received an insufficient funds notice from the bank. She went to the bank, and discovered

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<sup>2</sup> The petitioner's daughter was born on June 3, 2001.

that the court had withdrawn \$49.97 for one of R-M-'s child support payments.<sup>3</sup> When she confronted R-M-, he told her that he had the right to take money from the account because they were married, and that he had married her because she was going to help him get out of his problems. The petitioner reported that she told R-M- he was crazy, and he responded by screaming at her daughter, telling her that she was "trash." R-M- also screamed at the petitioner, telling her that he could say anything he wanted, because he is an American. He told the petitioner that she is an "illegal," and that she could not do anything to him; that she was trash; and that she needed to disappear.

The petitioner reported that, on November 5, 2005, she met a woman in the parking lot at Wal-Mart, where R-M- was now working. The woman asked her if she was married to R-M-, and the petitioner told her that she was indeed married to R-M-. The woman told her that she used to work with R-M-, and that she needed to be careful, as R-M- was threatening to hurt her and her daughter.

The petitioner stated that she went into hiding after this incident, but that she felt she had no choice but to go back to him. She reported that, between having both a house payment and a daughter with special needs, she had no choice but to return to him. Although it would have been easier for her to just return to Ecuador, she knew that her daughter would never be able to receive the therapy treatments she needs. The petitioner stated that R-M- told her that if she went into hiding again, he would call immigration authorities, as well as the police, and that she would be deported. R-M- told the petitioner that she had no rights, as she was an "illegal," and that he could do anything to her that he wanted. Further, R-M- told her that she would have to pay him an amount of money that was "three times more of what I was worth." The petitioner reported that shortly thereafter, she placed her belongings in a garage, and again went into hiding. The petitioner reported staying with a friend whose home R-M- would not be able to find. The record indicates that it was at this point that R-M- requested withdrawal of the Form I-130 that he had filed on behalf of the petitioner.

The petitioner testified that, despite all the things R-M- had done, she wanted to give him one more chance. She allowed him to visit, and they spent Christmas 2005 together. The petitioner bought R-M- a present, he was happy, and everyone had a good time. However, the petitioner eventually needed to take her daughter to Chicago for an appointment with her doctor. When the petitioner told R-M- about the upcoming appointment he became jealous, and accused the petitioner of going to Chicago to see another man. The petitioner told R-M- that this was a very important appointment for her daughter, provided R-M- with the name of the doctor, and showed him documents from the doctor's office. However, R-M- refused to believe her, and told the petitioner that she was going to

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<sup>3</sup> The petitioner submits a computer printout regarding the joint checking account, which confirms that \$49.97 was deducted from the account for "back child support"; that the account was overdrawn at Wal-Mart shortly thereafter; that a \$33 overdraft fee was charged to the account; and that the joint account was closed a few days later. On the same day that the joint checking account was closed, the petitioner opened a new checking account in her name only. The "Customer Description" field of the "Customer Profile" section of the printout states the following: "[R-M-] NOT ALLOWED TO HAVE ANY ACCESS/INFO TO ANY ACCOUNTS."

Chicago in order to see men and cheat on him, and called her names. R-M- told the petitioner that he was going to contact immigration authorities because she was “trash” and an “illegal,” and that he wanted to see her in jail. She spoke with [REDACTED] at her daughter’s school, who had looked at the petitioner and asked her what was going on. She told [REDACTED] what had happened, and that she was scared. [REDACTED] told her that R-M- was not going to do anything bad to her, and that she was going to help the petitioner. The petitioner also called the YWCA, and talked to [REDACTED]. She told [REDACTED] that she did not know what to do. The petitioner stated that she “found a way to run away from him”: she called R-M- and told him that she was no longer living in Fort Wayne, and that she had moved to Kansas City, even though she had not.

The petitioner reported that, later, R-M- was able to discover her location after he called her other daughter’s house. After he discovered her location, she was forced to stay at a shelter for abused women for several days, because she was afraid of the petitioner.

At the time the petition was filed, the petitioner also submitted a letter from [REDACTED] Hispanic Family Advocate at the YWCA of Fort Wayne. In her letter, [REDACTED] confirms that she has been meeting with the petitioner since January 2006 regarding domestic violence issues.

In her letter, [REDACTED], a Family Advocate for Salvation Army Head Start, stated that she works closely with the parents of the children who attend Head Start. She reports that the petitioner came into the center on January 19, 2006, that she was crying, and that she was complaining of abuse from her husband. [REDACTED] states that she referred the petitioner to the Center for Nonviolence.

In her letter, [REDACTED], the Latina Women’s Coordinator at the Center for Nonviolence, states that the petitioner came to the Center for Nonviolence on January 20, 2006, in search of assistance and support regarding her abusive relationship. [REDACTED] states that they contacted a Spanish-speaking police officer, and that they filed a police report regarding the abuse.

The petitioner also submitted a copy of the police report referenced by [REDACTED]. In that police report, which was filed on January 20, 2006, the petitioner reported that R-M- had moved out of the house in July 2005. The petitioner told the police officer that she intends to file for divorce; that R-M- does not want to divorce; that R-M- has been making threats against the petitioner in an effort to control her; that R-M- has been threatening her immigration status; that R-M- has been threatening to call the police and tell them that she has illegal drugs in her home; and that such actions have been constant.

The petitioner’s testimony indicates that it was at this point, after she spoke with [REDACTED] and the police officer, that she called R-M- and told him that she was moving to Kansas City, when in fact she was actually going into hiding with a friend whose address R-M- did not know. As was noted previously, the petitioner testified that R-M- was eventually able to locate her after he called her other daughter and that, at that point, she went to a domestic violence shelter.

The record contains a letter from [REDACTED] a staff member at the YWCA of Fort Wayne, which states that the petitioner and her family were residents of the shelter from April 14, 2006 until April 24, 2006.

On April 25, 2006, the day after she moved out of the YWCA shelter, the petitioner obtained an ex parte order of protection against R-M-. However, on May 8, 2006, R-M- filed a request for the dismissal of the ex parte order for protection, and his request was granted.

Finally, the petitioner also submitted a police report dated May 11, 2006 at the time the petition was filed. In that police report, the petitioner reported to the police officer that she had a protective order against R-M-, but that he had called her several times that night and threatened her.

In his February 13, 2007 NOID, the director noted that although the order of protection was issued on April 25, 2006, it was dismissed on May 8, 2006, and that the petitioner had submitted no explanation as to why the order had been dismissed. The director also requested additional evidence to substantiate the petitioner's allegations of abuse. The petitioner did not submit a response to the director's NOID, and his May 22, 2007 denial referenced the NOID for the grounds of denial.

On appeal, the petitioner submits another affidavit, affidavits from acquaintances, and a letter from her accredited representative. In her undated affidavit, the petitioner addressed the four grounds of abuse enumerated by the director in his NOID: (1) verbal; (2) social isolation; (3) possessiveness; and (4) quality of life. In the "verbal" section of her affidavit, the petitioner stated that R-M- called her names; threatened to deport her; insulted her; told her that her life was in his hands; told her that he would "disappear" the petitioner and her family because they were criminals the minute they had entered the country.

In the "social isolation" section of her affidavit, the petitioner stated R-M- became angry when she went to Chicago to see her daughter's specialist, and called her names. R-M- accused the petitioner of going to Chicago to see a lover. He also told the petitioner that he could do anything to her he wanted. On one occasion when she was taking her daughter to see a physical therapist, R-M- accused the petitioner of going to see a lover, and called her names. He also threatened her immigration status.

In the "possessiveness" section of her affidavit, the petitioner described an instance of abuse during which R-M-, the petitioner, and her daughter were eating pizza at a restaurant. Because she was wearing makeup, R-M- accused the petitioner of flirting with men. According to R-M-, the petitioner had worn the makeup because she "wanted to flirt with the guys." The petitioner described another occasion on which she was wearing a blouse and shorts. R-M- called her names, and became angrier when the petitioner refused to change out of the shorts. R-M- told her that she was wearing the shorts for her lover.

In the “quality of life” section of her affidavit, the petitioner stated that the emotional and financial abuse to which she and her daughter were subjected changed their lives. She stated that, during the times in which they were separated, she felt badly; was depressed; and had low self-esteem. She reported being afraid of R-M-, as she feared that he would call immigration authorities. She also reported an occasion on which she and her daughter were driving down a street, and they saw R-M-. According to the petitioner, when she saw R-M-, her daughter started shaking and screaming, and urged the petitioner to drive fast.

The petitioner also submitted a more detailed letter from the YWCA on appeal. In her April 17, 2007 letter, ██████████ states that the petitioner is a current client of the YWCA; that the petitioner is a victim of domestic violence; and that the petitioner began receiving outreach services on January 25, 2006. ██████████ states that the petitioner moved into the shelter on April 14, 2006, because R-M- had been going to her relatives’ homes and asking about her, and making threats to her safety.

In her letter, ██████████ stated that, on December 27, 2005, she was grocery shopping with the petitioner and her daughter. According to ██████████ R-M- approached the petitioner and began yelling at her, and threatened to kill her. ██████████ stated the petitioner’s daughter was very frightened, and cried. ██████████ told R-M- that she was going to call the police, but the petitioner did not want her to do so, as she did not want R-M- to call immigration authorities.

The petitioner also submitted a letter from ██████████ MSW, ACSW, LCSW. ██████████ states that the petitioner’s daughter witnessed the petitioner’s abuse, and that it has traumatized her. ██████████ states that such trauma had caused nightmares, intense psychological distress, fear of men, insecurity, inability to separate from the petitioner, and the desire to not be alone. According to ██████████ these symptoms are consistent with post-traumatic stress disorder, which will require intense psychotherapeutic treatment and medication.

Finally, the AAO turns to the accredited representative’s June 21, 2007 letter in support of the appeal, in which she addresses the director’s question as to why the petitioner’s ex parte order of protection was dismissed. According to the accredited representative, the petitioner did not submit an explanation for the dismissal of the order of protection because, at the time she filed the Form I-360, she did not realize that she had signed a dismissal order. The representative stated that although the petitioner was provided an interpreter at the hearing, the only thing that the petitioner understood was that everything was going to be fine, because R-M- had sworn to the judge that he would no longer bother the petitioner. Accordingly, the judge dismissed the case, and the petitioner signed a form which, to the petitioner, meant that R-M- would no longer bother her, or have any contact with her. Although a copy of the form is not submitted, this explanation is consistent with the petitioner’s statement in the May 11, 2006 police report that there was a protective order against R-M-, when in fact that order had been dismissed three days earlier.

Moreover, the AAO finds the evidence of record sufficient to support a finding of battery or extreme cruelty, regardless of what happened at the May 8, 2006 hearing. The director did not

fully address the testimony of record in his denial, and the record now contains further testimony in support of a finding of battery or extreme cruelty that was not before the director at the time he made his decision. The evidence of record demonstrates that R-M- was extremely verbally abusive and degrading to both the petitioner and her daughter; that he threatened the physical safety of the petitioner and her daughter; that he was controlling; that he made repeated threats to the petitioner's immigration status; and that he attempted to prevent the petitioner from seeking appropriate treatment for her daughter's special needs. Further, the petitioner has established that she sought shelter from R-M- at the Fort Wayne YWCA, and evidence submitted on appeal indicates that the petitioner's daughter continues to suffer from the effects of the abuse. The AAO finds that the petitioner has demonstrated that the R-M-'s maltreatment of the petitioner rose to the level of extreme cruelty, as required by section 204(a)(1)(A)(iii)(I)(bb) of the Act.

### **Good Faith Entry into Marriage**

The second issue on appeal is whether the petitioner has demonstrated that she married R-M- in good faith. In her June 23, 2006 affidavit, the petitioner explained that she met R-M- on April 10, 2006, when she paid him to be an English interpreter at a doctor's visit for her daughter. He had been recommended to the petitioner by her niece. He charged \$10 per doctor's visit, which the petitioner found to be a reasonable price.

The petitioner stated that she and R-M- "liked each other from the start," and R-M- did not charge the petitioner for his services after that first doctor's appointment. The petitioner testified that he seemed like a very nice man. She trusted R-M-, and they began speaking to each other about their previous spouses. R-M- told the petitioner how his ex-wife had cheated on him, and the petitioner told R-M- about the abuse she had suffered from her first husband in Ecuador.

R-M- began meeting the petitioner at her home, and they would go for walks. One day, while walking through a park, R-M- asked the petitioner to be his girlfriend, and she told him that she would think about it. Two days later, she told him that she would indeed be his girlfriend, which they were both happy about. The petitioner stated that R-M- was very nice to her. He sent the petitioner flowers, and she thought that R-M- "was a dream of a man." Eventually, R-M- began discussing marriage and, since she and R-M- had a good time together, liked each other, and communicated well, the petitioner saw nothing wrong.

R-M- proposed marriage on June 15, 2005. The petitioner told R-M- that they had been dating for only a short period of time, and that they should wait a while. The petitioner stated that R-M- agreed with her. However, he suggested that they apply for a marriage license immediately. The petitioner told R-M- that she did not know the requirements for a marriage license, and R-M- told her that he would find out.

The petitioner stated that she and R-M- went to the courthouse to apply for a marriage license on June 22, 2005. They applied for the license, and the R-M- then took her to another room. The petitioner asked R-M- what he was doing, and he told the petitioner that he wanted to find out if it

was possible for them to get married “right on the spot.” The petitioner followed R-M- into another room. R-M- began speaking to another man in English, but the petitioner did not know what they were talking about. R-M- filled out some paperwork, and told the petitioner to move to the other side of the room. A judge then performed the marriage ceremony and, after a few minutes, she and R-M- were married.

After the ceremony, R-M- told the petitioner that “it was better this way,” because he could now file an immigrant petition for the petitioner. R-M- told the petitioner that she would be able to become an American citizen, and eventually visit her two older children in Ecuador, whom she missed dearly, and eventually bring them to the United States from Ecuador. The petitioner asked R-M- whether, if for some reason she was not able to travel to Ecuador to visit her children, R-M- would go and visit them for her. R-M- told the petitioner that he would do so. According to the petitioner, it was the happiest day of her life. R-M- went to renew his passport but, as noted in the AAO’s earlier discussion, R-M-’s passport application was denied because he owed \$35,000 in back child support.

In his February 13, 2007 NOID, the director noted inconsistencies in the record with regard to the length of time that the petitioner and R-M- lived together. However, these inconsistencies relate to joint residence, not good faith marriage, and they are not of such significance to detract from the overall credibility of the petitioner’s claim that she entered into the marriage in good faith.

Although the evidence of record supporting the petitioner’s claim of good faith entry into the marriage is minimal, and consists only of her testimony and the bank statements, the AAO finds that such evidence is, in this particular case, sufficient. The AAO accepts the petitioner’s testimony with regard to her intentions upon entering into the marriage with R-M-. The petitioner has provided a detailed account of her courtship with R-M-, and the AAO accepts the veracity of her testimony. The bank statements further support the petitioner’s testimony. Moreover, the unique fact pattern of this particular case lends credence to the petitioner’s stated inability to obtain further documentary evidence. Given the behavior of R-M-, which began soon after the marriage, the AAO finds it reasonable that the petitioner would not have opened additional financial accounts beyond the single bank account to which his access soon had to be blocked.

The regulations contain no specific formula for determining whether a petitioner has entered into his or her marriage in good faith. Rather, pursuant to the statute and regulation, the determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Service. *See* Section 204(a)(1)(J) of the Act, 8 U.S.C. §1154(a)(1)(J); 8 C.F.R. § 204.2(2)(i). In this instance, although the petitioner has submitted little probative documentary evidence to support her claim of a good faith marriage, the AAO finds that the combination of the evidence of record and the petitioner’s testimony sufficiently establishes that she entered into the marriage in good faith. The petitioner, therefore, has established that she entered into marriage with R-M- in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act.

### **Conclusion**

Upon review of the entire record of proceeding, the AAO finds that the petitioner has established that R-M- subjected her to battery or extreme cruelty; and that she married R-M- in good faith. The AAO concurs with the director's determination that the petitioner meets all other statutory requirements. Accordingly, the petitioner has established that she is eligible for immigrant classification under section 204(a)(1)(A)(iii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii), and the petition will be approved.

The burden of proof in visa petition proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has met that burden. Accordingly, the appeal is sustained.

**ORDER:** The decision of the director is withdrawn. The appeal is sustained, and the petition is approved.