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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office, MS 2090
Washington, DC 20529-2090



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



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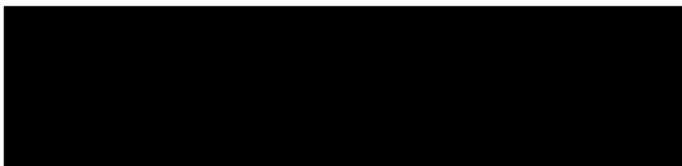
Office: VERMONT SERVICE CENTER

Date: AUG 16 2010

IN RE: Petitioner: [REDACTED]

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you

Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The petition will be denied.

The petitioner seeks immigrant classification pursuant to 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.

On January 27, 2009, the director denied the petition, determining that the petitioner had not established: that he had resided with the claimed abusive United States citizen spouse; that he had been subjected to battery or extreme cruelty perpetrated by his United States citizen spouse; and that he had entered into the marriage in good faith.

Counsel for the petitioner submits a Form I-290B, Notice of Appeal or Motion, a brief and documents in support of the appeal.

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 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 further explained in the regulation at 8 C.F.R. § 204.2(c)(1), which states, in pertinent part:

(v) *Residence.* . . . The self-petitioner is not required to be living with the abuser when the petition is filed, but he or she must have resided with the abuser . . . in the past.

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

* * *

(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 under section 204(a)(1)(A)(iii) of the Act are further explained in the regulation at 8 C.F.R. § 204.2(c)(2), which states, in pertinent part:

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.

* * *

(iii) *Residence.* One or more documents may be submitted showing that the self-petitioner and the abuser have resided together Employment records, utility receipts, school records, hospital or medical records, birth certificates of children . . . , deeds, mortgages, rental records, insurance policies, affidavits or any other type of relevant credible evidence of residency may be submitted.

(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 record in this matter provides the following pertinent facts and procedural history. The petitioner is a native and citizen of Mexico. He entered the United States on August 29, 1998 as a nonimmigrant visitor with authorization to remain in the United States until February 28, 1999. On May 17, 2006, the petitioner married L-L¹, the claimed abusive United States citizen spouse. On July 31, 2006, L-L- filed a Form I-130, Petition for Alien Relative, on the petitioner's behalf, and the petitioner concurrently filed a Form I-485, Application to Register Permanent Resident or Adjust Status. On October 30, 2007, United States Citizenship and Immigration Services (USCIS) denied the Form I-130 and Form I-485. On November 2, 2007, the petitioner filed the Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant.

Residence

On the Form I-360, the petitioner indicated that he resided with L-L- from May 2006 to February 2007 in Oxford, Michigan. In his initial statement, the petitioner indicated that he moved to Oxford, Michigan in July 2006 but that L-L- remained in Cleveland and the couple visited each other as often as they could. The initial record also included a tenant ledger showing the names of both the petitioner and L-L-, the initial move-in date as November 2005 and monthly rent receipts beginning November 2005 and ending January 2008 for the Oxford, Michigan address.

In the petitioner's statement in response to the director's request for further evidence (RFE) the petitioner noted that he lived in Norwalk, Ohio until November 2005 when he moved to Oxford, Michigan for a job. The petitioner noted further that although L-L- was initially reluctant to move to Oxford she eventually agreed to move to Oxford and that she and her children moved into the apartment in Oxford, Michigan once the couple married. The petitioner indicated that at that time he added L-L- to the lease and requested the tenant ledger from the landlord. The record included an October 21, 2008 letter signed by the manager of the apartments in Oxford, Michigan stating that she

¹ Name withheld to protect the individual's identity.

was aware that L-L- moved into the apartment around 2006 and was there for about six months and that she had seen L-L- in her office with the petitioner on a number of occasions. The petitioner stated that in November 2006, the couple also rented an apartment in Cleveland, Ohio because L-L- missed Cleveland and her friends and family there. The petitioner declared that L-L- would spend part of the week in Oxford, Michigan and part of the week in Cleveland, and that he would visit Cleveland on the weekends. The record included the first page of a lease for premises on Clark in the City of Cleveland for a term beginning November 1, 2006. The lease lists both the petitioner and L-L- as lessees but does not include the remaining portion of the lease or the signature page. In a statement signed by [REDACTED] declared: "L-L- stubbornly didn't want to leave Cleveland and that really bothered [the petitioner]" and that "[the petitioner] would come down to Cleveland all the time to be with [L-L-]."

On appeal, counsel for the petitioner asserts that USCIS failed to understand that the couple would have maintained a single domestic residency during their marriage, but for the medical and educational needs of L-L-'s special needs son. Counsel references the statement signed by [REDACTED] who noted that L-L- did not want to move from Cleveland because of her special needs child. Counsel contends that as the petitioner had a well established job in Oxford, Michigan and L-L- wanted to remain in Cleveland because of her special needs child, the couple, given these circumstances, did the only logical, workable temporary solution by maintaining two separate residences.

The record in this matter does not include consistent probative evidence that the couple resided together. The petitioner, in his initial statement, indicated that he moved to Oxford, Michigan in July 2006 but that L-L- remained in Cleveland and the couple visited each other as often as they could. The petitioner provided a tenant ledger that is not probative as it does not include the timeframe of when L-L- moved into the Oxford, Michigan residence, if at all. Likewise, the statement from the manager of the Oxford, Michigan residence states generally that L-L- moved into the Oxford, Michigan residence sometime in 2006 and that she saw the couple together in her office. The manager does not provide probative information detailing when L-L- moved into the residence and does not indicate that she witnessed the couple together in the residence. Moreover, the manager does not mention the petitioner's spouse's three children and whether the apartment rented could accommodate an additional three persons. The brief statement from the manager is insufficient to establish that L-L- resided at the Oxford, Michigan address.

The record also fails to show that the petitioner lived at the Cleveland, Ohio address on [REDACTED]. The AAO acknowledges the first page of the lease that has been provided, but the lease does not include the petitioner and his spouse's signature or the other terms of the lease. Similarly, [REDACTED] statement that L-L- wanted to remain in Cleveland for her child does not provide the necessary information that would lead to a conclusion that [REDACTED] witnessed the couple's joint residence. Neither [REDACTED] nor the petitioner provides a description of the apartment or apartments, the location of the apartment(s), the couple's shared belongings, the number of rooms within the apartment(s) that could accommodate the petitioner, his spouse, and her three children, or other information which would demonstrate that the couple enjoyed a joint residence at either location. Contrary to counsel's assumption that USCIS failed to understand the circumstances of the couple's

residences, the record itself does not offer probative evidence, including the petitioner's testimony and the testimony submitted on his behalf, that the couple resided together. The petitioner has failed to establish that he resided with L-L- as required to establish eligibility for this benefit.

Abuse

In support of the petition, the petitioner submitted an undated personal statement. The petitioner stated: that the longer the relationship went on, the more and more it seemed that L-L- just wanted him to give her his money; that L-L- would not tell him what the money was for; that L-L- sent him text messages that were not nice and used derogatory language; and that some of her messages included threats to kill him and that made him scared.

The initial record also included an October 29, 2007 letter prepared by [REDACTED] Ph.D., a therapist at the [REDACTED]. [REDACTED] noted that the petitioner's case was opened at the clinic on October 18, 2007 and that the petitioner reported intense stress and anxiety that had begun about eight months ago which coincided with the time he separated from his wife. [REDACTED] noted further that the petitioner reported receiving threats and offensive text messages from his spouse and that despite no previous history of violence, the petitioner indicated that he was afraid of any aggressive action that might come from his spouse or those acting on her behalf. [REDACTED] indicated that the petitioner opined that his emotional problems were the result of the current disruptive interaction with his spouse. [REDACTED] found, based on tests performed that the petitioner may have inaccurate self-reporting. [REDACTED] provided a preliminary diagnosis of Anxiety Disorder NOS.

The initial record further included statements and affidavits from two of the petitioner's sisters and his mother who indicated that the petitioner was distressed and referred generally to his difficulties and getting sick or the difficulties in the petitioner's marriage and getting sick.

In response to the director's RFE, the petitioner provided a second statement dated October 24, 2008. The petitioner indicated: that L-L-'s attitude towards him started to change in December 2006; that in December 2006 while shopping at a mall L-L- thought he looked at three girls and punched him on the right side of his face; that she then would not talk for the next three hours; and that he was embarrassed by this incident. The petitioner stated: that in January 2007 L-L- became more and more aggressive; that she was more and more verbally abusive; that she called him derogatory names; that she threatened to call immigration on him several times; that she would constantly demand more and more money from him; and that her voice and text messages were getting more and more aggressive and abusive. The petitioner declared that L-L- was jealous and possessive, that she had a bad temper, and that she would threaten to have someone mess him up. The petitioner indicated that he was constantly nervous after that and was afraid and became depressed. The petitioner further declared that in January 2007 while horsing around in the grocery store, L-L- scratched him really hard and that he at first thought it was an accident until he saw the look on her face and knew that she was upset. The petitioner noted further that she continued to harass him with

telephone calls and text messages and once left him a message that she hoped he was deported and that he was really scared about this.

Counsel for the petitioner also provided an unsigned letter from [REDACTED], M.D., psychiatrist, dated October 7, 2008. [REDACTED] noted that he was treating the petitioner for anxiety and depression, secondary to interpersonal problems with his wife and had seen the petitioner for a total of seven hours over ten sessions. [REDACTED] indicated that he had prescribed [REDACTED] and that the petitioner had improved but still had not “overcome his attachment, fear and anguish over his wife’s abusive betrayal.” [REDACTED] also provided a February 14, 2008 evaluation of the petitioner in which he noted that the petitioner reported that his wife was constantly hostile, demanded money and to move back to Ohio, threatened his life, physically attacked him, constantly yelled and screamed, and swore at him and used telephone and email to instigate, harass and make demands. [REDACTED] found noted that the petitioner was in “a stormy emotionally abusive relationship with his wife” and “has succumbed to his aggressive, terrorizing wife allowing to be emotionally abused. Prognosis is deferred.” [REDACTED] diagnosed the petitioner with Adjustment Disorder with Anxiety and Depression and listed “High Stress -6- abused by spouse” on Axis Iv of the Diagnosis.

The petitioner also provided 13 letters/statements from various friends. His friends commented that they could not believe how the petitioner’s wife had changed. Several individuals referenced the petitioner’s report that his wife threatened him. One individual indicated that the couple argued most of the time and that the petitioner’s spouse was bossy. One individual indicated that the couple had aggressive fights. One individual indicated that he hated hearing the messages on the petitioner’s cell phone when the petitioner’s spouse threatened to kill him. One individual indicated that L-L- always hit the petitioner in the face but that they appeared to have a nice relationship and understanding for each other and then indicated that at the mall, L-L- punched the petitioner in his face, yelled at him and that L-L- was the aggressive one.

The petitioner also provided seven statements and four letters from family members who referenced the petitioner’s spouse’s bothering, threatening, demeaning, humiliating, mistreating, damaging, and manipulating the petitioner.

On appeal, counsel for the petitioner asserts that the record clearly shows that the petitioner has been the victim of acts of social isolation, physical violence, psychological threats, economic abuse, and intimidation by his United States citizen spouse. Counsel alleges that the petitioner’s spouse became jealous of the father-son relationship that was developing between the petitioner and her son. Counsel contends that the petitioner’s spouse degraded and insulted the petitioner on several occasions in front of his family, their friends, and even his business associates, a fact cited by numerous eye witnesses. The AAO observes that only one individual, Brueana Ramos, provided a statement indicating generally that she witnessed the claimed abuse. Counsel asserts that the petitioner, because of his background and upbringing in a machismo society, did not feel comfortable speaking about being the victim of acts of abuse and violence by his wife; thus, his statements regarding physical abuse in subsequent statements should not be viewed as inconsistent. Counsel contends that the petitioner’s second statement expounded upon but did not contradict his initial

statement. Counsel claims that the director did not properly consider the medical evaluations and the type of prescriptions provided to the petitioner. Counsel provides the same documents as previously submitted as well as the petitioner's spouse's criminal record which includes a conviction on April 3, 2000 for misdemeanor domestic violence. Counsel does not provide the circumstances surrounding the conviction.

Upon review of the record, the AAO concurs with the director's determination on this issue. Neither the petitioner's initial statement nor the statement submitted in response to the director's RFE provides the detailed, consistent, and probative evidence that establishes eligibility for this benefit. The petitioner has provided general testimony that in and of itself is insufficient to establish credibility and is sufficiently vague as to not lend itself to an evaluation regarding credibility.

The AAO observes that the petitioner claims in his second statement that he was assaulted by his spouse on two occasions, once in December 2006 at a mall and a second time in January 2007 at a grocery store. The AAO concurs with the director's conclusion that the petitioner's failure to describe either of these incidents in his initial statement amounts to inconsistent testimony on the part of the petitioner and undermines the credibility of his testimony. The AAO finds that the petitioner's initial general claims consisted of his spouse's demands for money, threatening text messages, and derogatory language which escalated into his spouse's two claimed physical attacks, threats to call immigration, and to threaten to have someone hurt him. It is the escalation of the type and severity of the abuse that raises serious concern regarding the petitioner's veracity.

The AAO has reviewed the statement of [REDACTED] who claimed to have witnessed the petitioner's spouse punch him in the face; however, her statement contradicts both the timing of the alleged incident and the petitioner's indication that his wife would not talk to him for three hours after the incident. [REDACTED] statement does not provide the necessary details regarding the circumstances of the alleged incident and thus is not helpful in corroborating the claimed incident. The AAO does not find that the record, including the petitioner's statements, the statements submitted on his behalf, and his report of physical abuse to his doctors, establishes that he was subjected to battery by his spouse.

The AAO also finds that the petitioner has not established that he was subjected to extreme cruelty. The AAO notes again that the petitioner initially provided general statements regarding his wife's demands for money, her threatening text messages, and her derogatory language. In the petitioner's second statement he added that his spouse threatened to call immigration on him several times, that her text and voice messages became more aggressive and abusive, that she was jealous, possessive, and had a bad temper, and that she would threaten to have someone "mess him up." These allegations are not detailed and do not relate specific incidents of abuse. For example, the petitioner does not describe specific instances of his spouse's threats regarding immigration or of specific threats to have someone else mess him up. His statements are general and do not provide a consistent overview of the marital relationship. As noted by the court in *Heranadez v. Ashcroft*, 345 F.3d 824 (9th Cir. 2004), because Congress "required a showing of extreme cruelty in order to ensure that [a petitioner is] protected against the extreme concept of domestic violence, rather than mere

unkindness,” not “every insult or unhealthy interaction in a relationship rises to the level of domestic violence. . . .” In this matter, the petitioner has failed to establish that L-L-’s actions rise to the level of the acts described in the regulation at 8 C.F.R. § 204.2(c)(1)(vi), which include forceful detention, psychological or sexual abuse or exploitation, rape, molestation, incest, or forced prostitution. The AAO does not find that the petitioner’s statements or the statements of others submitted on his behalf demonstrate that he was the victim of any act or threatened act of physical violence or extreme cruelty or that L-L-’s non-physical behavior was accompanied by any coercive actions or threats of harm or that her actions were aimed at insuring dominance or control over the petitioner. The record is simply insufficient in this regard.

The AAO has reviewed the numerous letters and statements submitted by the petitioner’s family and friends. The AAO observes that the declarants do not claim that they have witnessed particular events or incidents; rather they speak generally of their concern for the petitioner and the general bad behavior of his wife. The declarants, other than [REDACTED] as discussed above, do not describe text messages or voice mails in detail, do not provide information regarding when or where any incidents of bad or aggressive behavior occurred, and do not speak specifically of particular incidents that could be construed to constitute extreme cruelty as set out in the regulation. The statements and letters provided initially and in response to the director’s RFE, and resubmitted on appeal are not probative in establishing that the petitioner was subjected to extreme cruelty as set out in the statute and regulation.

The AAO has also reviewed [REDACTED] evaluations of the petitioner as well as the petitioner’s medical records provided. [REDACTED] noted the petitioner’s opinion that his emotional problems stemmed from his current disruptive interaction with his spouse and provided a preliminary diagnosis of Anxiety Disorder NOS. [REDACTED] observed upon the petitioner’s continued treatment that the petitioner was involved in a stormy emotionally abusive relationship with his wife, that the petitioner had succumbed to his aggressive, terrorizing wife, and listed “High Stress -6-abused by spouse” on Axis IV of the Diagnosis. The AAO observes that [REDACTED] based his evaluation on the petitioner’s statements that his wife was constantly hostile, demanded money and to move back to Ohio, threatened his life, physically attacked him, constantly yelled and screamed, and swore at him and used telephone and email to instigate, harass and make demands and that [REDACTED] prescribed [REDACTED] and later [REDACTED] because the petitioner had not “overcome his attachment, fear and anguish over his wife’s abusive betrayal.” The AAO does not find that either [REDACTED] discussed the specific abusive behaviors of the petitioner’s spouse that caused the petitioner’s adjustment disorder with anxiety and depression. Providing a general statement of the petitioner’s opinion of the cause of his stress and noting the petitioner’s statements of the claimed abusive behavior of his wife are insufficient to establish the causal connection of abusive behavior that constitutes extreme cruelty as described in the statute and regulation to the petitioner’s diagnosis. In this matter, while we do not question [REDACTED] professional training and experience, the report and letters submitted do not provide examples of the causal relationship of specific abuse that is consistently detailed to the petitioner’s adjustment disorder with anxiety and depression.

The AAO has also considered the petitioner's medical records and does not find that the petitioner's problems with anxiety and stress have been causally connected to specific abuse by the petitioner's spouse. The medical records do not provide the necessary detail of underlying traumas or causative factors that support a conclusion that his medical condition is due to the claimed abuse experienced at the hands of his United States citizen spouse. The AAO has also considered the petitioner's spouse's past criminal record and while acknowledging that the petitioner's spouse was convicted for misdemeanor domestic violence in April 2000, the AAO does not find sufficient information in the record to connect the petitioner's spouse's behavior six years prior to the marriage to her behavior during the marriage.

When evaluating the record as a whole, the AAO finds the record lacks information regarding specific instances of abuse that could be categorized as battery or extreme cruelty. The record includes generic information with inconsistent chronological timelines, inconsistent and general statements, and lack of detailed instances of the claimed abuse. The AAO is aware of the difficulties of obtaining information to establish eligibility for this benefit; however, the petitioner must provide credible evidence that he has been subjected to battery or extreme cruelty perpetrated by his spouse in order to meet his burden of proof. In this matter, he has failed to do so. The petitioner in this matter has not provided sufficient probative evidence to establish that he was subjected to battery or extreme cruelty perpetrated by his former spouse.

Good Faith Entry into Marriage

The petitioner has also failed to establish that he entered into the marriage in good faith. The AAO has reviewed the petitioner's statements and finds that the petitioner failed to provide probative testimony regarding his intent when entering into marriage with L-L-. The petitioner initially provided no information regarding his introduction to or subsequent interactions with his spouse other than as it related to their troubles maintaining a long distance relationship. In the petitioner's second statement, the petitioner stated generally that the couple was introduced through mutual friends, that L-L- watched his soccer games, and that in November 2005 they went out on their first date salsa dancing in Lorain, Ohio. The petitioner noted that also in November 2006 he was offered a job in Oxford, Michigan and after he moved there, he would travel to Cleveland each weekend to see L-L- and her kids. The petitioner indicated that he continued to see L-L- and in February asked L-L- to marry him and that they were married in May 2006 and that L-L- and her kids moved to Oxford, Michigan. The petitioner noted that all the bills remained in his name as his culture dictated that the man was responsible for taking care of and supporting the family. As indicated above, the petitioner also stated that he obtained an apartment in November 2006 in Cleveland so that L-L- could live in Cleveland, Ohio while he continued to live and work in Oxford, Michigan. The petitioner noted that he had asked L-L- for photographs of the wedding but that L-L- had refused to give them to him and later told him that she had burned them all.

The petitioner's statements do not provide any specific information regarding his intent in entering into the marriage. A finding of good faith involves an exploration of the dynamics of the relationship leading up to the marriage, to determine if this was a marriage of two people intending

to share a life together. For immigration purposes, evidence of good faith should demonstrate the emotional ties, commingling of resources, and shared financial responsibilities often associated with a bona fide marriage. In this matter, the petitioner provided only a cursory description of his introduction and interactions with his spouse prior to the marriage and during the marriage, other than as his interactions related to the alleged abuse. The petitioner's remaining, relevant testimony is general and insufficient to establish that he entered into the marriage in good faith.

The petitioner also provided numerous affidavits and statements from friends and family who all indicated generally that the relationship was legitimate and that the petitioner had married L-L- in good faith. The petitioner also submitted photographs of the couple and her children. The record also contained the tenant ledger and the first page of a lease as referenced above.

The AAO has reviewed the statements submitted on the petitioner's behalf and does not find any probative details regarding the affiants' observations of the petitioner's allegedly good faith entry into the marriage. The affiants do not describe any particular incidents wherein they witnessed the alleged bona fides of the couple's marital relationship. The general statements submitted do not substantiate that the petitioner's intent upon marrying L-L- was to establish a life together. The statements are bare of the essential detail necessary to assist in determining the intent of the petitioner upon entering into the marriage.

The photographs submitted show that the petitioner and L-L- were together on several occasions, but this evidence alone fails to establish the requisite good faith entry into the marriage. The documents submitted as referenced above, are insufficient to establish that the petitioner intended to establish a life with L-L-. While the lack of documentary evidence is not necessarily disqualifying, the petitioner's testimonial evidence and the testimony submitted on his behalf also fail to support a finding that he entered into the marriage in good faith. Considered in the aggregate, the relevant evidence fails to demonstrate that the petitioner entered into marriage with L-L- in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act.

The petition will be denied and the appeal dismissed for the above stated reasons. As always, the burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here that burden has not been met.

ORDER: The appeal is dismissed.