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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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B9.

FILE:  Office: VERMONT SERVICE CENTER Date: SEP 23 2010

IN RE: Petitioner: 

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:

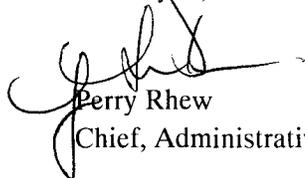


INSTRUCTIONS:

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 February 23, 2010, 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 Tonga. He claims to have entered the United States in or about the summer of 1999 as a B-2 visitor. On August 23, 2006, the petitioner married T-P¹, the claimed abusive United States citizen spouse. On February 2, 2009, the petitioner filed the Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant.

Preliminarily, the AAO acknowledges counsel's assertion that U.S. Citizenship and Immigration Services (USICS) shall consider all credible evidence in Form I-360 petitions. We note the difficulties of obtaining evidence in support of Form I-360 petitions. We further note that Section 204(a)(1)(J) of the Act requires USCIS to "consider any credible evidence relevant to the petition." Section 204(a)(1)(J) of the Act, 8 U.S.C. § 1154(a)(1)(J). This mandate is reiterated in the regulation at 8 C.F.R. § 204.2(c)(2)(i). However, this mandate establishes an evidentiary standard, not a burden of proof. Accordingly, "[t]he determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of" USCIS. Section 204(a)(1)(J) of the Act, 8 U.S.C. § 1154(a)(1)(J); 8 C.F.R. § 204.2(c)(2)(i). The evidentiary guidelines for demonstrating joint residence, the requisite battery or extreme cruelty and good faith marriage lists examples of the types of documents that may be submitted and states, "All credible relevant evidence will be considered." 8 C.F.R. §§ 204.2(c)(2)(iii),(iv) and (vii). In this matter, as in all visa petition proceedings, the petitioner bears the burden of proof to establish eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Soo Hoo*, 11 I&N Dec. 151 (BIA 1965). The mere submission of relevant evidence of the types listed in the regulation at 8 C.F.R. § 204.2(c)(2) will not necessarily meet the petitioner's burden of proof. While USCIS must consider all credible evidence relevant to a petitioner's claim of abuse, the agency is not obligated to determine that all evidence is credible or sufficient to meet the petitioner's burden of proof. Section 204(a)(1)(J) of the Act, 8 U.S.C. § 1154(a)(1)(J); 8 C.F.R. § 204.2(c)(2)(i). To require otherwise would render the adjudicatory process meaningless.

¹ Name withheld to protect the individual's identity.

Residence

On the Form I-360, the petitioner claimed that he resided with T-P- from August 23, 2006 to June 2008 at the [REDACTED]. The petitioner's initial statement did not provide further details of his claimed joint residence with T-P-. The petitioner's supplemental statement, dated February 17, 2009, also lacked any information regarding his joint residence with T-P-. Contrary to counsel's claim, the initial record did not include any documentary information regarding the couple's joint residence.

In the January 23, 2009 statement of [REDACTED] she referenced staying with the petitioner and T-P- at their apartment but does not provide a timeframe or further information regarding the apartment. In the January 26, 2009 statement of the petitioner's mother, his mother indicated that at some point, T-P- left her son to live with her (T-P-'s) family and that at some point they moved to T-P-'s mother's house. In a declaration dated January 28, 200[9], S-V-² indicated that at some point the couple moved to T-P-'s mom's house. In the April 6, 2009 statement of C-M-V-, the petitioner's brother's wife, C-M-V-, indicated that when the petitioner and T-P- married she [C-M-V-] allowed them to stay at her house because they did not have a place to stay. She further declared that at some point T-P- packed her suitcase and left and some time later the petitioner told her that he and T-P- were getting an apartment and opening a store. She further indicated that at a later time the petitioner asked if he could move back to her house.

In response to the director's request for further evidence (RFE), counsel submitted the January 8, 2010 declaration, of T-P-'s brother, M-P-, who declared that the petitioner and T-P- lived at his and T-P-'s mother's house for seven or eight months after they were married and that they had their own room at his and T-P-'s mother's house.

On appeal, counsel for the petitioner provides a copy of a rental agreement for a one bedroom apartment with a term beginning January 18, 2008 and ending July 17, 2008 and a January 7, 2009 statement from [REDACTED], the resident manager indicating that the couple were tenants at the [REDACTED] from January 18, 2008 to June 3, 2008 and were living there as a married couple. Although the rental agreement and the January 7, 2009 letter are first submitted on appeal, the AAO acknowledges that counsel referenced these documents in an index of documents provided when the Form I-360 was filed.

Upon review of the statements submitted and the rental agreement and resident manager's letter, the AAO does not find sufficient probative evidence to demonstrate that the couple established a joint residence. The AAO finds that the declarations submitted are confusing. It is not possible to discern from the statement of the petitioner's brother, his sister-in-law (C-M-V-) and his brother-in-law (M-P-) where the couple allegedly resided after they were married. C-M-V- indicated that they moved into her home because they did not have a place to stay. She does not indicate that the couple ever lived at T-P-'s mother's house. This contradicts the statements of S-V- and M-P- who indicate that after the couple married they moved into T-P-'s mother's house. The petitioner's mother noted that at some

² Complete name withheld to protect the individual's identity.

point in the marriage, T-P- moved to her mother's house and that at a later point, the couple both lived at T-P-'s mother's house. The AAO has also reviewed the rental agreement and statement of [REDACTED] as well as the references in the declarations of C-M-V- and [REDACTED] that at some point the petitioner and T-P- obtained an apartment. Although [REDACTED] indicates that she stayed with the couple, she does not provide probative details of the location of the apartment, does not indicate when she stayed with the couple, and she does not describe the one-bedroom apartment and where she slept in the apartment. The rental agreement appears to be signed by both the petitioner and T-P-, but a rental agreement without testimony or other documentary indicia of a joint residence is insufficient to establish that the couple jointly resided at the location. The AAO acknowledges [REDACTED] brief statement that the couple lived at the location like a married couple for less than five months toward the end of their claimed relationship, but she does not provide probative detail of her interactions with the couple or otherwise note why she believed the couple resided at the apartment as a married couple. Upon review of the information submitted in the record, the record does not include sufficient probative and consistent testimony by the petitioner or others and does not include other indicia sufficient to demonstrate that the couple established a joint residence. The record is insufficient in this regard. The petitioner has failed to establish that he resided with T-P- as required to establish eligibility for this benefit.

Abuse

In support of the petition, the petitioner submitted an undated personal statement.³ He described his married life as good at first and discussed T-P-'s opening a store to sell his wood carvings. He noted that the tourists loved his carvings and that a lot were sold but that T-P- did not tell him how much money was made. The petitioner indicated: "[a]bout five months later, [T-P-] was mad at me because I was trying to protect my little brother from a fight." The petitioner noted that T-P- disappeared for two months and did not let him know where she was and that when she returned and he asked about his immigration papers, she got mad and swore at him with bad words. The petitioner indicated that T-P- was jealous when he celebrated important events with his family. He stated: that T-P- ordered him around at the house or the store and treated him like a servant; that she called him derogatory names; that all the spending accounts were in her name; and that she did not give him spending money so he asked his family for money if he needed money. The petitioner stated that T-P- left him in June of last year, taking his passport and other important documents. He noted that he learned that she went to Utah and was living with another man. In a supplemental statement dated February 17, 2009, the petitioner added: that in addition to emotional abuse, T-P- took complete control of their finances and was using his wood carving skill to make money for herself; and that she physically abused him by hitting him with her shoe many times. The petitioner noted that about one month before their marriage, T-P- was driving and they were arguing in the car, and that he became so frustrated that he grabbed a knife and cut his left arm which needed medical attention.

³ The petitioner submits the same statement on appeal but with a date of January 26, 2009.

The petitioner also submitted statements from other declarants. The petitioner's sister, M-S- declared: that the petitioner worked and paid their bills and that T-P- still made the petitioner do the laundry, cook and clean their room; that she heard that T-P- was having an affair; that in mid 2007 T-P- called and told her that the couple wanted to open a store to sell the petitioner's wood carvings; that she was put in as a co-owner of the store but in January 2008 she found out that there was no lease and when she confronted the petitioner he told her that it was fine and he trusted his wife; and that she witnessed the petitioner being verbally and mentally abused and also thought he had been physically abused because she saw scratches on his face. In the petitioner's mother's declaration, the petitioner's mother declared: that after about five months of marriage, the couple had an argument and that T-P- threw a ring at the petitioner; that T-P- left her son for another man; that she saw her son's abuses and saw nail scratches on his face but that he did not talk about it. In the January 23, 2009 declaration of I-S-, I-S- offers his belief that the petitioner was abused by his wife mentally, emotionally and maybe physically. In the January 23, 2009 declaration of [REDACTED] declared: that when she stayed with T-P- and the petitioner at their apartment, T-P- took her around to see Maui; that she and T-P- would go out to clubs; that T-P- met someone and told her she wanted to leave the petitioner; and that T-P- saw her in the petitioner's truck and tried to hit the truck and accused the petitioner of "messing around." The petitioner's younger brother, S-V-, in a January 25, 200[9] statement declared: that T-P- was caught with another man about a year into the marriage; that he saw the petitioner doing the laundry, cooking, and cleaning their room; that the couple's first separation occurred after the petitioner had tried to defend the declarant in a fight; that she always accused the petitioner of marrying her for his green card; that the declarant does not understand why his brother could not see how T-P- manipulated him; and that in May 2008 he heard that T-P- was seeing a guy from Utah. In the declaration of C-M-V-, she indicated that the couple argued over money; that after the couple was married, the petitioner cooked and cleaned for T-P-; that once she heard yelling from their bedroom and so she was going to knock on their door, but the petitioner ran out with deep bleeding scratches all over him; and T-P- packed a suitcase and left shortly thereafter.

Counsel provided more statements from other individuals. In the February 14, 2009 statement of [REDACTED] she noted that T-P- constantly complained and that the couple argued. In an undated letter signed by [REDACTED] noted: that T-P- was very controlling but that the petitioner did not see the treatment as bad; that T-P- did not think it was a good idea for the petitioner to help his family out financially; that the petitioner was abused physically, mentally, spiritually, and emotionally; that she saw bruises on the petitioner's neck and scratches on his face; and that T-P- would yell at the petitioner but that the petitioner always took her side. In a February 16, 2009 statement, [REDACTED] indicated that he had seen and heard T-P- verbally abuse the petitioner mainly about his family and his fidelity but that he had never witnessed any physical abuse. In the January 26, 2009 statement of [REDACTED] mentions two injuries that the petitioner suffered but does not provide a time frame or evidence that he witnessed how the injuries were sustained. [REDACTED] also noted that T-P- fought with his wife. [REDACTED] stated that the petitioner was put through a lot of mental and sometimes physical abuse by his wife who had run away with another man.

The petitioner also provided a January 23, 2009 declaration of [REDACTED], a transitions program coordinator and immigrant advocate for the Women Helping Women Emergency Shelter and Program. [REDACTED] noted that she met the petitioner on September 3, 2008 when he came to the agency seeking help because of domestic violence and met him again on October 30, 2008. [REDACTED] noted what the petitioner told her of his relationship which corresponds somewhat to the petitioner's statements and the statements of others. [REDACTED] noted that the threats of abuse, physical, verbal, economic, psychological and emotional abuse have been difficult for the petitioner and that in her professional opinion the petitioner is a battered man and a victim of domestic violence.

In response to the director's RFE, counsel for the petitioner submitted a January 8, 2010 statement signed by T-P-'s sister in which she declared that the couple lived at her mother's house and that she remembered them fighting on one occasion but that she did not want to interfere with their marriage and kept to herself.

Counsel also submits a January 6, 2010 letter signed by [REDACTED] licensed psychologist. [REDACTED] indicated that he saw the petitioner for "three hourly sessions beginning in August 8, 2009" and that the petitioner told him about the physical and emotional abuse that his wife inflicted upon him. [REDACTED] noted that he found the petitioner to be a credible patient and that he is suffering from an adjustment disorder with depressed mood secondary to his wife physically and emotionally abusing him and leaving him in July of 2008.

In his February 23, 2010 decision, the director noted the petitioner's statement, the statements of others submitted on the petitioner's behalf and the letters from [REDACTED] and [REDACTED] and determined that the information submitted showed marital discord between the couple and evidenced a deteriorating marriage. The director determined that the petitioner had not established that he had been subjected to battery or emotional cruelty perpetrated by his United States citizen spouse.

On appeal, counsel for the petitioner asserts that the director failed to distinguish between the battery suffered by the petitioner and the extreme cruelty and make a separate determination regarding each. Counsel contends that the petitioner submitted eye witness accounts of battery including the statement of C-M-V- who observed the petitioner fleeing from the couple's room with deep bleeding scratches all over him and the statement of [REDACTED] who declared that she witnessed bruises on the petitioner's neck and scratches on the petitioner's face. Counsel avers that the director improperly disregarded [REDACTED] professional opinion that the petitioner was subjected to battery.

Counsel also asserts that the petitioner was subjected to extreme cruelty and references the declaration of [REDACTED] who indicated that he had seen and heard T-P- verbally abuse the petitioner and that T-P- isolated the petitioner from his friends and family. Counsel also references the petitioner and [REDACTED]'s declarations in which they indicate that the petitioner provided all his resources from his work to T-P- and contends that when T-P- denied the petitioner access to

these funds she was exercising economic coercion and control. Counsel also claims that T-P-'s unauthorized possession of the petitioner's identification documents was not properly considered by the director and is part of the domestic violence to which the petitioner was subjected.

Upon review of the record, the AAO concurs with the director's determination on this issue. Neither the petitioner's initial statement nor the supplemental statement submitted provides the detailed, consistent, and probative evidence that establishes eligibility for this benefit. The petitioner noted generally that T-P- got mad at him when he was involved in a fight, that she disappeared for a couple of months, that she swore at him when he asked about his immigration papers, that she was jealous of his involvement with his family, and that she took control of all their finances by not telling him how much his wood carvings sold for or giving him spending money, as well as keeping all the money for herself. Although the petitioner referenced T-P- hitting him with her shoe many times, he does not provide the details and circumstances of these alleged assaults and does not indicate when they occurred and whether it was before or during the marriage. The petitioner's statement does not provide the requisite detailed information to establish that he was subjected to battery by his spouse. The petitioner also fails to provide sufficient testimonial evidence to conclude that his spouse's actions regarding their finances, her derogatory language, her jealousy at his relationship with his family, or her abandonment constituted extreme cruelty as set out in the statute and the regulation. Further, although the petitioner indicates that T-P- took his identification documents he does not indicate that T-P- retained the documents or threatened him in any way with the documents. The petitioner also mentions that when he asked about his immigration papers, T-P- got mad and swore at him but he does not provide further details about this incident so it is not possible to conclude that these actions constituted extreme cruelty. The petitioner's general statement is not probative in establishing that he was subjected to battery or extreme cruelty by his spouse.

The AAO has reviewed the declarations submitted on the petitioner's behalf. The AAO observes: that the petitioner's sister, M-S-, and the petitioner's mother noted that they saw scratches on the petitioner's face; that [REDACTED] indicated that she saw bruises on the petitioner's neck and scratches on his face; and that C-M-V-, the petitioner's sister-in-law, indicated that she heard yelling and saw the petitioner run out of the room with deep bleeding scratches all over him. The declarants do not provide a chronological timeline for these events. The AAO observes that the petitioner has noted that he argued with T-P- after he had been in a fight protecting his younger brother and that his younger brother noted the couple's first separation occurred after this incident. It is not possible to conclude that the scratches and bruises the witnesses noted were scratches and bruises perpetrated by T-P- or in the petitioner's fight with someone else while trying to protect his younger brother. The AAO also observes that the petitioner indicated that he had participated in self-mutilation when he was angry. The AAO observes further that other than mentioning generally that T-P- hit him with her shoe many times, the petitioner does not discuss sustaining any injuries including scratches and bruises inflicted by T-P-. The petitioner's lack of forthrightness, the general information provide by the declarants and the fact that they did not witness any attacks, fail to establish that the petitioner was subjected to battery by his spouse. The AAO reiterates that the petitioner's general statement regarding being hit with a shoe many times is too general to allow an evaluation of the veracity of the statement.

The AAO has also reviewed the declarations submitted on the petitioner's behalf in an effort to determine if they provide further information regarding the allegation that the petitioner was subjected to extreme cruelty by T-P-. The AAO observes that the declarants note generally: that the petitioner worked but still had to do household chores; that his spouse had an affair; that the couple argued and T-P- used derogatory language; and that T-P- controlled the couple's finances. However, M-S- noted, for example, that the petitioner told her not to worry about the finances because he trusted his wife. Moreover, [REDACTED], in her declaration, offered her opinion that T-P- was very controlling but also noted that the petitioner did not see the treatment as bad and that the petitioner always took T-P-'s side. The declarants do not provide the type of detailed information that supports a conclusion that the petitioner was isolated from friends and family or that he was subjected to the control, economic or otherwise of T-P-. The declarants, other than noting generally that the couple argued, do not provide examples of specific incidents that demonstrate that the petitioner was subjected to extreme cruelty perpetrated by T-P-.

The petitioner's statement and the statements submitted on his behalf are not sufficiently detailed regarding the time of events and the circumstances of events. The AAO observes that the majority of the information in the declarations, including the petitioner's declaration, refer to arguments and do not denote specific incidents of abuse. 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 T-P-'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 T-P-'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 also reviewed the January 23, 2009 declaration of [REDACTED] who indicated that she had met with the petitioner twice for an undetermined length of time. [REDACTED] other than repeating the general information reported by the petitioner, offered her observation that the threats of abuse, physical, verbal, economic, psychological and emotional abuse have been difficult for the petitioner and that in her professional opinion the petitioner is a battered man and a victim of domestic violence. [REDACTED] does not offer a medical diagnosis of the petitioner and does not detail how she arrived at the conclusion that the petitioner is a battered man and a victim of domestic violence. [REDACTED] fails to offer an assessment of specific behavior on the part of T-P- that is causally connected to battery or extreme cruelty as defined in the statute and regulation. Similarly, [REDACTED], who indicated that he saw the petitioner for three hourly sessions, fails to discuss the specific abusive behaviors of the petitioner's spouse that caused the petitioner's adjustment disorder with depressed mood. Providing a conclusory statement that the

petitioner's wife physically and emotionally abused the petitioner and then left him in July of 2008 is insufficient to establish the causal connection of abusive behavior that constitutes battery or extreme cruelty as described in the statute and regulation to the petitioner's diagnosis. In this matter while we do not question [REDACTED]'s professional training and experience and [REDACTED] experience as a domestic violence counselor, the letters submitted do not provide examples of the causal relationship of specific abuse that is detailed to the petitioner's adjustment disorder with depressed mood.

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 little 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 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 T-P-. The petitioner stated generally that he met T-P- in 2005, she was very pretty, and he fell in love with her right away. He noted that after he first met her he went to her house to ask her to be his girlfriend and that she said yes and they started dating. The petitioner does not provide any further detail regarding the couple's interactions, other than as it related to the claimed abuse, prior to the marriage. The petitioner noted that T-P- opened a store to sell his wood carvings but does not provide any detail regarding the business arrangement other than to indicate that T-P- controlled the finances and that he trusted her. 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 AAO has reviewed the numerous declarations submitted on the petitioner's behalf as well as counsel's assertion that the declarations attest to the couple's commingled finances prior to marriage and attest to the petitioner's shared experiences with T-P-. However, the declarations submitted do not provide the necessary information establishing the petitioner's intent in entering into the

marriage. The lack of specific information, other than references to a few family gatherings and the couple frequently eating at a certain restaurant, fails to demonstrate that the petitioner's intent was to enter into the marriage in good faith. The AAO acknowledges that the petitioner's in-laws provided declarations on his behalf but does not find the declarations indicative of the petitioner's intent in entering into the marriage. The declarants 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 T-P- 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 AAO acknowledges the couple's wedding certificate and the evidence of a church wedding at a temple of the [REDACTED]. However, a wedding ceremony, in and of itself, does not establish the petitioner's intent in entering into the marriage. These documents, as well as the documents referenced above in the determination regarding the couple's claimed residence, are insufficient to establish that the petitioner intended to establish a life with T-P-. 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 T-P- 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.