



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: **OCT 09 2014** Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: [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)

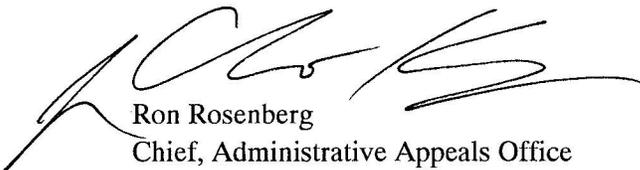
ON BEHALF OF PETITIONER:
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

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

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 based on the petitioner's failure to establish that she entered into marriage with her U.S. citizen spouse in good faith and pursuant to the section 204(g) of the Act, 8 U.S.C. § 1154(g), bar against the approval of immigrant visa petitions based on marriages contracted while an alien is in removal proceedings. The director further found that the petitioner was ineligible for immediate relative classification based on her marriage. On appeal, counsel submits a brief and additional evidence.

Applicable Law

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

(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 explicated in the regulation at 8 C.F.R. § 204.2(c)(2), which states, in pertinent part:

(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.

* * *

(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.

In addition, the regulations require that to remain eligible for immigration classification, a self-petitioner must comply with the provisions of section 204(g) of the Act. 8 C.F.R. § 204.2(c)(1)(iv).

Section 204(g) of the Act, 8 U.S.C. § 1154(g), prescribes:

Restriction on petitions based on marriages entered while in exclusion or deportation proceedings. – Notwithstanding subsection (a), except as provided in section 245(e)(3), a petition may not be approved to grant an alien immediate relative status or preference status by reason of a marriage which was entered into during the period [in which administrative or judicial proceedings are pending], until the alien has resided outside the United States for a 2-year period beginning after the date of the marriage.

Section 245(e) of the Act, 8 U.S.C. § 1255(e), provides an exception to section 204(g) of the Act:

Restriction on adjustment of status based on marriages entered while in exclusion or deportation proceedings –

- (1) Except as provided in paragraph (3), an alien who is seeking to receive an immigrant visa on the basis of a marriage which was entered into during the period described in paragraph (2) may not have the alien's status adjusted under subsection (a).
- (2) The period described in this paragraph is the period during which administrative or judicial proceedings are pending regarding the alien's right to be admitted or remain in the United States.
- (3) Paragraph (1) and section 204(g) shall not apply with respect to a marriage if the alien establishes by clear and convincing evidence to the satisfaction of the [Secretary of Homeland Security] that the marriage was entered into in good faith and in accordance with the laws of the place where the marriage took place and the marriage was not entered into for the purpose of procuring the alien's admission as

an immigrant and no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) . . . with respect to the alien spouse or alien son or daughter. In accordance with the regulations, there shall be only one level of administrative appellate review for each alien under the previous sentence.

The corresponding regulation at 8 C.F.R. § 204.2(a)(1)(iii) states, in pertinent part:

Marriage during proceedings – general prohibition against approval of visa petition. A visa petition filed on behalf of an alien by a United States citizen . . . shall not be approved if the marriage creating the relationship occurred on or after November 10, 1986, and while the alien was in . . . removal proceedings, or judicial proceedings relating thereto. . . . [T]he burden in visa petition proceedings to establish eligibility for the exemption . . . shall rest with the petitioner.

(A) *Request for exemption.* . . . The request must be made in writing The request must state the reason for seeking the exemption and must be supported by documentary evidence establishing eligibility for the exemption.

(B) *Evidence to establish eligibility for the bona fide marriage exemption.* The petitioner should submit documents which establish that the marriage was entered into in good faith and not entered into for the purpose of procuring the alien's entry as an immigrant. The types of documents the petitioner may submit include, but are not limited to:

- (1) Documentation showing joint ownership of property;
- (2) Lease showing joint tenancy of a common residence;
- (3) Documentation showing commingling of financial resources;
- (4) Birth certificate(s) of child(ren) born to the petitioner and beneficiary;
- (5) Affidavits of third parties having knowledge of the bona fides of the marital relationship (Such persons may be required to testify before an immigration officer as to the information contained in the affidavit. Affidavits must be sworn to or affirmed by people who have personal knowledge of the marital relationship. Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit and his or her relationship to the spouses, if any. The affidavit must contain complete information and details explaining how the person acquired his or her knowledge of the marriage. Affidavits should be supported, if possible, by one or more types of documentary evidence listed in this paragraph); or
- (6) Any other documentation which is relevant to establish that the marriage was not entered into in order to evade the immigration laws of the United States.

The instant self-petition cannot be approved pursuant to section 204(g) of the Act unless the petitioner establishes the bona fides of her marriage by clear and convincing evidence pursuant to section 245(e)(3) of the Act. While identical or similar evidence may be submitted to establish a good faith marriage pursuant to section 204(a)(1)(A)(iii)(I)(aa) of the Act and the bona fide marriage exception at section 245(e)(3) of the Act, the latter provision imposes a heightened burden of proof. *Matter of Arthur*, 20 I&N Dec. 475, 478 (BIA 1992). *See also Pritchett v. I.N.S.*, 993 F.2d 80, 85 (5th Cir. 1993) (acknowledging “clear and convincing evidence” as an “exacting standard.”) To demonstrate eligibility under section 204(a)(1)(A)(iii)(I)(aa) of the Act, the

petitioner must establish his or her good-faith entry into the qualifying relationship by a preponderance of the evidence and any credible evidence shall be considered. Section 204(a)(1)(J) of the Act, 8 U.S.C. § 1154(a)(1)(J); *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010). However, to be eligible for the bona fide marriage exemption under section 245(e)(3) of the Act, the petitioner must establish his or her good-faith entry into the marriage by clear and convincing evidence. Section 245(e)(3) of the Act, 8 U.S.C. § 1255(e)(3); 8 C.F.R. § 245.1(c)(9)(v). “Clear and convincing evidence” is a more stringent standard. *Arthur*, 20 I&N Dec. at 478.

Facts and Procedural History

The petitioner, a citizen of Kenya, entered the United States on March 18, 2003 as a nonimmigrant visitor. On August 27, 2003 the petitioner was placed in removal proceedings for remaining in the United States beyond her period of authorized stay. An immigration judge ordered the petitioner removed to Kenya on January 5, 2004. The decision was adopted and affirmed by the Board of Immigration Appeals on March 30, 2005. On October 1, 2010, the petitioner's first husband divorced her in a Kenyan court. On October 19, 2010, the petitioner married K-J-¹, a U.S. citizen, in Los Angeles, California. K-J- filed an immigrant visa petition for the petitioner on January 3, 2011, which he subsequently withdrew. The petitioner filed the instant Form I-360 self-petition on August 27, 2012. Upon review of the initial submission, the director issued a Request for Evidence (RFE) of good-faith entry into the marriage, among other issues. In addition, the director notified the petitioner that because she married K-J- after her removal proceedings commenced, section 204(g) of the Act barred approval of her self-petition. The director provided guidance on requesting a bona fide marriage exemption from that bar. The petitioner timely responded with additional evidence, which the director found insufficient to establish the petitioner's eligibility, and denied the petition. The petitioner, through counsel, subsequently appealed the director's decision.

We review these proceedings *de novo*. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Upon a full review of the record, as supplemented on appeal, we find that the petitioner has not overcome the director's grounds for denial. The appeal will be dismissed for the following reasons.

Good-Faith Entry into the Marriage and Restriction on Petitions Based on Marriages Entered into while in Proceedings

The director correctly determined that that the petitioner did not establish that she married K-J- in good faith either by a preponderance of the evidence under section 204(a)(1)(A)(iii)(I)(aa) of the Act, or by providing clear and convincing evidence that her marriage is bona fide under the heightened standard of proof required by section 245(e)(3) of the Act. In her initial July 25, 2012 statement, the petitioner indicated she met K-J- in June 2008 on an Internet dating site. She asserted that they met in person for the first time on a Friday evening at a coffee shop in August 2008. However, the petitioner also stated that K-J- took her out on their "first official date" to a seafood restaurant on July 14, 2008, which was the petitioner's birthday. She described the evening as "full of romance," specified the gifts that K-J- gave her, and indicated that they shared their first kiss on that occasion.

¹ Name withheld to protect the individual's identity.

The petitioner asserted that K-J- proposed to her on July 4, 2009 at a friend's party, but did not provide any information about her and K-J-'s year-long relationship between their meeting and the proposal. She stated that they married on October 19, 2010 in a private religious wedding at a chapel in Los Angeles. The petitioner described the wedding as "simple, but colorful," but did not provide any further details. The petitioner provided a statement purportedly signed by Reverend [REDACTED] on January 17, 2012, indicating that he witnessed the wedding and that he has personal knowledge of the petitioner's and K-J-'s relationship, but did not provide additional information regarding the relationship or specify the source of his knowledge.² The petitioner also submitted three unlabeled photographs of what appear to be her wedding, and eight additional photographs of the petitioner and K-J- on other unspecified occasions.

The petitioner indicated that K-J- moved into her [REDACTED] apartment shortly after the wedding, and stated generally that the first seven months of the marriage were good, and that they spent time together, went "places," and did "things," but provided no probative information regarding their shared experiences beyond the abuse.

With the initial Form I-360 submission, the petitioner submitted a letter from a credit union, dated August 2011, regarding the petitioner's and K-J-'s joint account. She also provided a cellular telephone bill and unsolicited commercial correspondence addressed to K-J- at the [REDACTED] apartment. The petitioner submitted a credit card bill in her name, and copies of credit cards bearing her and K-J-'s names, possibly indicating that K-J- was an authorized user on the account.

The director reviewed the relevant evidence and issued an RFE. The director advised the petitioner that she was subject to section 204(g) of the Act, and provided clear instructions on how to request a bona fide marriage exemption from that bar to approval of this petition. The director indicated that the petitioner should request an exemption in writing, and submit clear and convincing evidence to establish that the marriage was entered into in good faith. The director noted deficiencies of the submitted evidence, including inconsistencies in the petitioner's affidavit regarding her first meeting and date with K-J-. The director indicated that the statement and other evidence of record did not establish a good-faith marriage by clear and convincing evidence, and provided examples of possible further evidence to be submitted, including affidavits of third parties, and the requirements for such affidavits.

The petitioner, through counsel, responded to the RFE with a written request for a bona fide marriage exemption, and additional evidence. The petitioner provided a second affidavit, dated August 27, 2013, in which she indicated that her first affidavit contained a typographical error regarding her and K-J-'s first date and meeting. The petitioner asserted that she and K-J- first met in-person on July 14, 2008, and on July 20, 2008 they had their first official date.

² The statement is accompanied by a notarized certificate of acknowledgement which indicates that [REDACTED] signed the document. The petitioner provided no explanation as to why this document was not signed by the purported affiant, nor does the record contain any independent document executed by the affiant specifying that the signatory was authorized to sign on the affiant's behalf.

The petitioner submitted an affidavit from [REDACTED] stating that he met the couple in 2010 and attended their wedding. He further stated that he has seen the couple on several occasions at their house and at his house, but did not provide any probative information regarding his relationship to the petitioner and K-J-, the wedding, or subsequent meetings. The petitioner also submitted an affidavit from [REDACTED] signed on July 6, 2013, in which Ms. [REDACTED] asserted that she met the petitioner and K-J- two years prior at church. Ms. [REDACTED] indicated that the petitioner and K-J- attended church functions and special occasions such as weddings and baby showers as husband and wife, but did not provide any information regarding these occasions, or elaborate on her statement that the couple presented as "husband and wife." The petitioner further submitted an affidavit of [REDACTED] dated July 2, 2013. In her affidavit, Ms. [REDACTED] asserted that she had known the petitioner and K-J- for one year, and that she had also met them at church. She indicated that the petitioner and K-J- have become close friends of her family, and that they spend time together, but did not describe any specific occasions. She noted that the couple has attended bridal and baby showers at the church, and attested that they entered into their relationship in good faith. Neither Ms. [REDACTED] nor Ms. [REDACTED] claim to have known either the petitioner or K-J- prior to their marriage, and none of the three third party affidavits contained probative information regarding the petitioner's intent in marriage.

In response to the RFE, the petitioner also submitted an affidavit from [REDACTED] dated June 13, 2013. In her affidavit, Ms. [REDACTED] indicated that she met the petitioner and K-J- two years prior (2011), but also stated that she was present when K-J- proposed to the petitioner. The petitioner indicated in her first affidavit that K-J- proposed in 2009. She further stated that the petitioner and K-J- attended baby showers, graduations, and other church functions as a married couple, but did not describe those occasions. Ms. [REDACTED] also indicated that she visited the petitioner and K-J- at their home, but did not provide further information regarding the visit. Finally, the petitioner submitted a second statement purportedly signed by Reverend [REDACTED] bearing a date of July 3, 2013. This statement bears a different signature than his January 17, 2012 statement, and contains font in different colors and sizes. In the statement, Reverend [REDACTED] asserts that he met the couple after a church service about three years prior (which would have been 2010), and served as a counselor for the couple in 2009 as they prepared to become life partners. The statement does not identify the church or contain any probative information regarding the referenced counseling. As in the prior statement, the reverend indicated that he witnessed the petitioner and K-J-'s wedding, but did not provide any further information regarding the event. The statement is not notarized.

In his decision, the director correctly concluded that the petitioner did not provide sufficient evidence to establish by either a preponderance of the evidence, or by the higher clear and convincing standard, that the petitioner entered into her marriage with K-J- in good faith. On appeal, counsel asserts that the director impermissibly relied on an immigration judge's adverse credibility finding and gave undue weight to discrepancies in the petitioner's statement. He further asserts that the evidence submitted below was sufficient to establish the petitioner's good-faith entry into her marriage with K-J-. While the director should not have considered the immigration judge's adverse credibility finding in a separate proceeding, *de novo* review of the relevant evidence submitted below reveals that it did not meet the petitioner's burden of proof with respect to her

good-faith entry in her marriage by either a preponderance of the evidence or by clear and convincing evidence.

Under section 204(a)(1)(A)(iii) of the Act, traditional forms of joint documentation are not required to demonstrate a self-petitioner's entry into the marriage in good faith. *See* 8 C.F.R. §§ 103.2(b)(2)(iii), 204.2(c)(2)(i). Rather, a self-petitioner may submit "testimony or other evidence regarding courtship, wedding ceremony, shared residence and experiences. . . . and affidavits of persons with personal knowledge of the relationship. All credible relevant evidence will be considered." 8 C.F.R. § 204.2(c)(2)(vii). Here, the petitioner's initial affidavit contained a major discrepancy with respect to her first meeting and first date with the petitioner, and lacked probative information regarding the couple's courtship, wedding ceremony, and other shared experiences beyond the abuse. In her second affidavit, the petitioner indicated that the discrepancy in her first affidavit regarding when she met K-J- was a typographical error. A review of the affidavits reveals that the discrepancy was more than a typographical error, which was not satisfactorily resolved by the petitioner's clarification.

In her July 25, 2012 affidavit, the petitioner specifically indicated that she met K-J- for the first time "on a Friday evening" in August 2008 at a particular coffee shop. She then described the couple's "first official date" on her birthday, July 14, 2008, and discussed the memorable evening, including the gifts K-J- gave her and that they shared their first kiss. In the RFE, the director observed that the petitioner's first meeting with K-J- in August 2008 would have been after her July birthday. In her second affidavit, dated August 27, 2013, the petitioner indicated that the discrepancy in the dates was a typographical error that she corrected, but either did not save correctly, or sent the wrong version. The petitioner stated that they had their meeting on July 14, 2008 and on July 20, 2008 they had their first date. The petitioner did not provide further information about these meetings, nor did she clarify which meeting took place at the coffee shop and which took place at the seafood restaurant where the couple shared their first kiss. Neither of these dates falls on a Friday, and the petitioner specifically stated that she met with K-J- at a coffee shop on a Friday. Given the specificity with which the petitioner described the meetings in her first affidavit, and her insistence in the second affidavit that these were memorable dates that she is certain about because they were significant, the director did not err in finding the petitioner's explanation and lack of clarification regarding the events to be insufficient. Further, as the discussion of her first meeting and first date with K-J- comprises the bulk of the petitioner's statements regarding her courtship with K-J-, the director gave appropriate weight to the discrepancy. In addition to failing to resolve the discrepancy, the petitioner's second affidavit fails to provide probative information regarding the couple's courtship, wedding ceremony, and other shared experiences.

The affidavits of Ms. [REDACTED] and Ms. [REDACTED] indicate that they did not know the petitioner prior to her marriage. Ms. [REDACTED]'s affidavit contains discrepancies regarding when she met the petitioner and K-J-. Reverend [REDACTED]'s affidavits contain irregularities, described above, which diminish their credibility. None of the affidavits, including that of Mr. [REDACTED] contain probative information regarding the petitioner's and K-J-'s courtship, wedding ceremony, or shared experiences. The documentary evidence, including documents regarding an overdrawn joint bank account, and a credit card account in the name of the petitioner are not sufficient to establish the

petitioner's intent in marriage. Although these accounts were in the name of the petitioner, she did not submit statements showing joint utilization of these accounts. See 8 C.F.R. § 204.2(c)(2) (indicating that self-petitioners are encouraged to submit primary evidence whenever possible).

On appeal, the petitioner submits a printout showing that on February 10, 2011, K-J- was listed on the petitioner's dental and vision insurance plans. She also submitted additional documents showing K-J- resided with her. The director determined that the petitioner established her joint residence with her spouse, and it is not at issue on appeal. Similarly, the letter from psychologist Dr. [REDACTED] dated March 20, 2014, submitted on appeal, relates further details regarding the abuse suffered by the petitioner; however, the director determined that the petitioner was subjected to battery or extreme cruelty by her U.S. citizen spouse. The abuse is also not at issue on appeal. In the appeal statement and brief, counsel repeatedly indicates that the director's finding that the petitioner established the abuse and joint residence with her spouse should have led the director to conclude that the petitioner entered into her marriage in good-faith. However, neither co-habitation, nor the existence of abuse, establishes the petitioner's intent at the time she entered into the marriage with K-J-. The petitioner must prove each element of the statute, and here, she has failed to establish that she married K-J- in good-faith.

Also on appeal, the petitioner submits an affidavit from [REDACTED] and a letter from Reverend [REDACTED] neither of which discusses the petitioner's relationship with K-J-. She also provides several greeting cards, which are undated or dated in 2011. Without a probative account of the petitioner's courtship and shared experiences with K-J-, the greeting cards alone are insufficient to establish the petitioner's good-faith entry into the marriage.

The petitioner also provided new affidavits from Ms. [REDACTED] Mr. [REDACTED] Ms. [REDACTED] and Ms. [REDACTED]. In her affidavit, dated February 27, 2014, Ms. [REDACTED] states that she met the petitioner and K-J- at a church sponsored couples' seminar in February 2011. She described two social occasions she spent with the petitioner and K-J-; however, she did not provide probative information regarding the petitioner's intent in marrying K-J-. In his affidavit, Mr. [REDACTED] asserts that he met the petitioner in 2005 through his wife, and met K-J- for the first time on Thanksgiving 2008. He indicates that he attended a barbeque with the petitioner while she and K-J- were still dating. He also states that the petitioner and K-J- watched the presidential inauguration with him and his wife in January 2009. Mr. [REDACTED] again asserts that he attended the petitioner and K-J-'s wedding, but provided no description of the event. He describes one additional occasion in 2012 when he and his wife went out with the petitioner and K-J-. Besides his observation that he initially believed the petitioner and K-J-'s relationship would not be successful due to their differences, Mr. [REDACTED] does not provide insight into the petitioner's relationship with K-J- or address the petitioner's intent in marriage.

In her second affidavit, dated March 3, 2014, Ms. [REDACTED] now asserts that she met the petitioner several years ago at church, and indicates that she knew the petitioner before she met K-J-. In her first affidavit, Ms. [REDACTED] indicated that she met the petitioner and K-J- in 2010 at church. In her second affidavit, Ms. [REDACTED] notes a few social occasions that she spent with the petitioner and K-J- before marriage, but does not provide probative information regarding these outings.

Ms. [REDACTED] affidavit, dated March 1, 2014, indicates that she met the petitioner and K-J- "several years back" at church. She recalls that during a conversation she asked the petitioner about her plans for marriage, and the petitioner told her that she was in love with K-J- and she was waiting for him to propose. In her first affidavit, Ms. [REDACTED] provided conflicting statements regarding when she met the petitioner. She first indicated that she met her and K-J- in 2011, but then claimed to be present for their engagement, which the petitioner represented occurred in 2009. In her second affidavit, Ms. [REDACTED] again claims to have witnessed the engagement at a barbeque at a friend's house. Ms. [REDACTED] also discusses an outing with the petitioner and K-J- in December of 2011 or 2010 to San Diego, a church-related outing to a park that the petitioner and K-J- attended together, and a dinner at an restaurant shortly after the petitioner's engagement. The affidavit provides some probative information that may support the petitioner's good-faith marriage; however, the credibility of the affidavit is diminished by the discrepancy in the affiant's claims regarding when she met the petitioner and K-J-.

When viewed in the aggregate, the evidence submitted on appeal does not overcome the director's decision. The affidavits submitted below and on appeal contain unresolved discrepancies and do not provide substantive information regarding the petitioner's courtship, wedding ceremony, and other shared experiences with her spouse. The petitioner has not established good-faith entry into her marriage with K-J- by either a preponderance of the evidence or by the higher clear-and-convincing standard.

Eligibility for Immediate Relative Classification

Because the petitioner is not exempt from section 204(g) of the Act, she has also failed to demonstrate her eligibility for immediate relative classification, as required by section 204(a)(1)(A)(iii)(II)(cc) of the Act and as explicated in the regulation at 8 C.F.R. § 204.2(c)(1)(iv).

Conclusion

The petitioner has not overcome the director's grounds for denial on appeal. The preponderance of the relevant evidence does not demonstrate that the petitioner entered into marriage with K-J- in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act. The present record also does not show by clear and convincing evidence that the petitioner entered into the marriage in good faith as required to establish eligibility for the bona fide marriage exemption of section 245(e) of the Act from the bar at section 204(g) of the Act, and is therefore ineligible for immediate relative classification. The petitioner has not established eligibility for immigrant classification under section 204(a)(1)(A)(iii) of the Act on these three grounds.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met. The appeal will be dismissed and the petition will remain denied.

ORDER: The appeal is dismissed.