



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

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

MATTER OF P-N-L-

DATE: APR. 14, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen. *See* Immigration and Nationality Act (the Act) § 204(a)(1)(A)(iii), 8 U.S.C. § 1154(a)(1)(A)(iii). Under the Violence Against Women Act (VAWA), an abused spouse may self-petition as an immediate relative rather than remain with or rely upon an abuser to secure immigration benefits.

The Director, Vermont Service Center, denied the petition. The Director concluded that the Petitioner did not establish that she resided with her spouse and that she entered into the marriage with her spouse in good faith.

The matter previously came before us on appeal. We rejected the appeal because the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, which Petitioner's counsel submitted with the Form I-290B, Notice of Appeal or Motion, was not properly executed. The Petitioner's counsel has cured that error and, on our own motion, we reopen the matter. Along with the appeal, the Petitioner submits a brief. The Petitioner claims that she submitted sufficient evidence to establish eligibility for the relief sought.

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

#### I. APPLICABLE LAW

Section 204(a)(1)(A)(iii)(I) of the Act provides that an alien who is the spouse of a U.S. citizen may self-petition for immigrant classification if the alien demonstrates that he or she entered into the marriage with the U.S. 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.

The eligibility requirements are explained further 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.

. . . .

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

- (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.

. . . .

- (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 burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010). A petitioner may submit any evidence for us to consider; however, we determine, in our sole discretion, the credibility of and the weight to give that evidence. *See* section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

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## II. RELEVANT FACTS AND PROCEDURAL HISTORY

The Petitioner, a citizen of Kenya, was last admitted to the United States on September 10, 2009, as a nonimmigrant student, with permission to remain for a temporary period not to exceed the authorized duration of status. On [REDACTED] the Petitioner married E-B-<sup>1</sup> a U.S. citizen. E-B- filed a Form I-130, Petition for Alien Relative, on the Petitioner's behalf and the Petitioner filed a concurrent Form I-485, Application to Register Permanent Residence or Adjust Status. The Form I-130 and Form I-485 were denied. The Petitioner filed a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, on January 10, 2014, and the Director issued two requests for evidence (RFE) of, among other things, the Petitioner's joint residence with E-B- and her good-faith entry into the marriage, and to apprise the Petitioner of a site visit conducted by officers of U.S. Citizenship and Immigration Services (USCIS) that negatively impacted on the Petitioner's claims of having jointly resided with E-B-. The Petitioner replied to the RFEs with additional evidence, which the Director found insufficient to establish that the Petitioner resided jointly with E-B- and married him in good faith. The Director denied the Form I-360 and the Petitioner filed a timely appeal.

## III. ANALYSIS

### A. Joint Residence

The preponderance of the relevant evidence does not establish that the Petitioner resided jointly with her U.S. citizen spouse during their marriage.

On the Form I-360, the Petitioner indicated that she resided with E-B- from [REDACTED] to August 2012, and that their last shared address was on [REDACTED]. In her personal statement submitted with the Form I-360, the Petitioner indicated that E-B- visited her at "[her] place at [REDACTED] since he did not have a place of his own. He rented a room at his parents [*sic*] place." She did not otherwise discuss her residence or that of E-B-, or state that they lived together during their marriage.

In her personal statement submitted in response to the RFE, the Petitioner stated that, at the time she met E-B- in August 2008, E-B- was renting a room in a home owned by the parents of [REDACTED] on [REDACTED]. The Petitioner indicated that E-B- frequently visited her at her home on [REDACTED]. She claimed that she later moved in with E-B- at the [REDACTED] address. According to the Petitioner, the living arrangement at the [REDACTED] home was difficult because E-B- had not previously used the common areas of the home, and [REDACTED] was unhappy that the Petitioner used the kitchen and living room. The Petitioner claimed that [REDACTED] complained to E-B- that the Petitioner was using his belongings and the Petitioner apologized to [REDACTED] stating that E-B- had told her she could use anything she needed. The Petitioner stated that E-B- paid \$150.00 per week in cash for the room he rented, and that amount included utilities. She stated that E-B- did

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

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not receive a receipt for the payments and had only a verbal agreement with [REDACTED] rather than a written lease.

The Petitioner further alleged that, in late 2010, E-B- began to spend long periods away from the [REDACTED] home and was abusing drugs and alcohol. She asserted that “[t]here was no peace in that house” and that [REDACTED] informed the Petitioner and E-B- that they must move out because the house would soon be put up for sale. According to the Petitioner, she and E-B- did not have another place to go, so they told [REDACTED] that they would leave soon. She said that E-B- and [REDACTED] argued over the rent and the costs associated with the Petitioner residing in the house. She also stated that, in February 2012, she left E-B- and moved out of the house on [REDACTED]

The record of proceedings contains the results of a USCIS site visit at the [REDACTED] address, during which [REDACTED] informed USCIS officers that he resided there with E-B-, did not reside with the Petitioner, and did not recognize a photograph of the Petitioner. On appeal, the Petitioner states that the Director improperly considered the results of this site visit because [REDACTED] “had bad faith animus towards [the Petitioner] and a strong motive to discredit and jeopardize her immigration case . . . .” The Petitioner contends that [REDACTED] was a household member of E-B-’s and, therefore, USCIS cannot rely on [REDACTED] statement.

The Petitioner is mistaken regarding the ability of USCIS to rely upon the statement of [REDACTED]. Pursuant to the Memorandum from [REDACTED] Acting Executive Associate Commissioner, Immigration and Naturalization Service, *Non-Disclosure and Other Prohibitions Relating to Battered Aliens: IIRIRA § 384* (May 5, 1997), USCIS may not make an adverse determination of admissibility or deportability based upon information provided by “a member of the spouse’s or parent’s family, residing in the same household as the alien, who has battered the alien or subjected the alien to extreme cruelty, with the spouse’s or parent’s acquiescence” (emphasis added). Although the Petitioner contends that she lived in the same household with [REDACTED] he is not a member of E-B-’s family and, therefore, we may consider [REDACTED] statement to the USCIS officers in our determination of whether the Petitioner jointly resided with E-B- during the couple’s marriage.

The information provided by [REDACTED] to USCIS contradicts the Petitioner’s personal statements with respect to her claimed joint residence with E-B- during their marriage. As noted above, [REDACTED] did not recognize the Petitioner when shown a photograph of her, despite the Petitioner’s claims to having lived in the same household and personally interacting with him. Accordingly, we give the Petitioner’s statements diminished weight as credible evidence of her and E-B-’s joint residence during their marriage. Even without considering the results of the site visit, however, the preponderance of the relevant evidence does not establish the Petitioner’s joint residence with E-B- during the couple’s marriage.

The Petitioner’s personal statements lack sufficient detail regarding the Petitioner’s alleged joint residence with E-B-. The Petitioner did not provide in either personal statement a clear timeline of her claimed residence with E-B-. She did not indicate the date on which she moved into the [REDACTED]

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address, which is the only place that she claims to have lived with E-B- during their marriage. Additionally, she did not describe the residence, aside from stating that she and E-B- shared a single bedroom in the home and that did not like it when she used the kitchen and living room.

In her brief on appeal, the Petitioner asserts that her prior counsel submitted a version of the Petitioner's personal statement with the Form I-360 that contained errors. She contends that prior counsel assured her that the errors would be corrected before the Form I-360 was submitted, but the corrections were not made. She claims that the errors included a statement that E-B- visited her at the address but, in fact, E-B- resided at and the Petitioner visited him there. The Petitioner also indicates that prior counsel incorrectly stated in the same personal statement that the Petitioner resided with E-B-'s parents. She states in her brief on appeal that, in fact, she and E-B- rented a room from at the home of parents. The Petitioner also asserted in her personal statement submitted in response to the RFE that her prior counsel incorrectly indicated on a Form G-325A, Biographic Information, submitted by the Petitioner in connection with the Form I-130 and Form I-485, that the Petitioner resided with E-B- on from August 2010 to August 2012, while the Petitioner recalls leaving the home in February 2012.

Although the Petitioner contends that prior counsel failed to correct errors in the Petitioner's initial personal statement and other documents, she has not explained who wrote her initial personal statement or how the alleged errors appeared in that personal statement. The Petitioner claims that she signed her initial personal statement because she believed the errors would be corrected; however, she also signed the Form I-360 and the Form G-325A, which state, contrary to the Petitioner's current claim that she ceased living with E-B- in February 2012, that the Petitioner resided with E-B- from August 2010 to August 2012. As such, the Petitioner's initial personal statement, the personal statement submitted in response to the RFE, the Form I-360, and the Form G-325A lack detail sufficient to support a finding of joint residence.

The Petitioner also supplied statements from friends as supporting evidence of joint residence with E-B-. stated that the Petitioner married E-B- in August 2010 and moved in with E-B- at Beacon Street but then later left E-B- and went to stay with a friend. stated that E-B- lived on and E-B- visited the Petitioner at and that they moved in together after marrying. According to the Petitioner told him that E-B-'s roommate did not want her to use the kitchen or living room at the home, and the Petitioner hoped that she and E-B- would move to their own apartment. indicated that the Petitioner lived with him temporarily beginning in February 2012, when she left E-B-. stated that the Petitioner left E-B- in early 2012, but did not specifically discuss the Petitioner's residence during her relationship with E-B-. Similarly, , stated in a psychological evaluation that the Petitioner decided to "leave the apartment" in February 2012, but did not otherwise mention the Petitioner's residence. These statements do not support a finding of joint residence because none of the writers specify when the Petitioner moved in with E-B-, describe the alleged shared residence, or indicate that they visited the claimed marital residence during the couple's marriage.

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As additional supporting evidence, the Petitioner provided a bank statement, dated July 8, 2011, listing the names of the Petitioner and E-B- and the [REDACTED] address. The bank statement lists few transactions and a very low balance, does not indicate when the account was opened or who made certain transactions, and does not show whether the Petitioner and E-B- used the account after the date of the statement. The Petitioner also supplied a letter from the bank, confirming that she and E-B- had a joint savings account registered to the [REDACTED] address. However, the letter does not state when the account was opened or closed or otherwise confirm that the account was used and, if so, by whom. Additionally, the Petitioner submitted a magazine order form addressed to the Petitioner at [REDACTED]. The order form is an advertisement and does not reflect that the Petitioner resided at the address to which the advertisement was mailed. Although the Petitioner also provided an email confirming her order for the magazine, that email does not indicate a mailing address for the magazine.

The Petitioner also submitted photocopies of several envelopes addressed to her and E-B- at the [REDACTED] address, along with photocopies of greeting cards that the Petitioner alleges were sent in the envelopes. The envelopes indicate that at least five pieces of mail were sent to the Petitioner and E-B- at the [REDACTED] address, but they do not overcome the lack of detail elsewhere in the record regarding the Petitioner's alleged joint residence with E-B-. Furthermore, because they appear to bear similar handwriting, some of the envelopes appear to have been addressed by the same person, despite bearing different names in the return address. Additionally, two envelopes from different persons list the Petitioner's city of residence as [REDACTED] when the correct spelling is [REDACTED] and two other envelopes from different persons incorrectly list the abbreviation for Massachusetts as "NA." The similarities in handwriting and address errors among envelopes from allegedly different persons diminishes the greeting cards' weight as credible evidence of the Petitioner's joint residence with E-B- during the couple's marriage.

The Petitioner's claim of joint residence with E-B- is contradicted by the statement [REDACTED] provided to USCIS officers and, in addition, the Petitioner has not provided sufficient detail in her personal statements regarding her alleged joint residence with E-B- and the documentary evidence she submitted also does not provide sufficient support for her claim. Therefore, the preponderance of the evidence does not establish that the Petitioner resided jointly with E-B- during the couple's marriage, as required by section 204(a)(1)(A)(iii)(II)(dd) of the Act.

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

The preponderance of the relevant evidence does not establish that the Petitioner entered into her marriage with E-B- in good faith.

In her initial personal statement, the Petitioner claimed that she met E-B- at a friend's party in August 2008. She stated that she noticed his brightly colored shirt and that he smiled at her and asked her to dance. She indicated that E-B- made her laugh and she enjoyed her time at the party with him. The Petitioner reported that E-B- asked for her telephone number and called her the next

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day. She stated that they began dating in September 2008 and visited places in [REDACTED] and the nearby area. The Petitioner further claimed that she and E-B- got to know each other well and shared several interests, including dancing and watching movies. She stated that she noticed that E-B- had a temper, drank too much at social events, and disappeared for several days without any explanation, but that she trusted him and loved him. According to the Petitioner, E-B- accompanied her to a church service and then proposed to her on the way home. She alleged that she "eagerly accepted," and they agreed to have a simple ceremony because they did not have much money and E-B- was not on good terms with some of his family members. The Petitioner recounted that she and E-B- "started marriage life with a lot of hope" until E-B- began drinking alcohol in excess and using drugs.

In her personal statement submitted in response to the RFE, the Petitioner claimed that she met E-B- at a party at the home of her friend, [REDACTED] in August 2008. She felt he was handsome, he smiled at her, they spoke, and she agreed to dance with him. The Petitioner stated that E-B- made jokes and she laughed and had a good time. She indicated that E-B- asked for her telephone number at the end of the party, and that she was very happy when he called the next day. She claimed that E-B- was very funny during their telephone conversation and that he was interested in learning about her culture. According to the Petitioner, her first date with E-B- occurred three or four weeks after they met. She alleged that they went to a museum, walked in downtown [REDACTED] and went to some shops, and that she had fun. The Petitioner further stated that E-B- told her she was beautiful and that he wanted to make her happy, and that she fell in love with him. She indicated that, while they were dating, they both enjoyed music, dancing, and movies. She claimed that E-B- was "very caring and loving" and introduced her as "the love of his life, his [REDACTED] [REDACTED]. She stated that she noticed that E-B- had some flaws, but that she spoke with him about her concerns and he assured her that he was working to correct those problems. She indicated that she shared personal information about her past with E-B- and that he told her about his previous wife and his son.

According to the Petitioner, she invited E-B- to attend an African church service with her on July 4, 2010, and E-B- accepted her invitation and enjoyed himself at the service. The Petitioner also stated that her friends at church thought that E-B- was "good looking and kind." She recounted that E-B- proposed on the way back from church. She stated that E-B- got down on one knee, held her hands, smiled, and took a ring from his pocket. She declared that she was "beyond happy and over the moon" regarding the engagement. According to the Petitioner, she and E-B- walked in the park on the evening of their engagement and watched fireworks. She further recalled that they got married before a justice of the peace at City Hall, and a friend, [REDACTED] and [REDACTED] and his family attended. The Petitioner stated that, after the wedding, she encouraged E-B- to visit his father, from whom he was estranged, at the nursing home where his father lived. She reported that the reunion was emotional and that E-B- introduced the Petitioner to his father as "his loving wife." She stated that she and E-B- paid other visits to his father until the relationship between her and E-B- began to worsen.

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Information in the record of proceedings, however, diminishes the evidentiary value of the Petitioner's statements regarding her meeting of and courtship with E-B-. In her personal statements, the Petitioner stated that she met E-B- in August 2008, they dated from that point on, and the Petitioner mentioned several dates occurring in Massachusetts. The Petitioner also indicated in her personal statements that E-B- would visit her in ██████████ Massachusetts and that she would sometimes be at her mother's home in ██████████ New Hampshire. In her second personal statement, she recounted that, "[e]ven for the period that I went to Oklahoma we talked all the time and we never seemed to be apart" but she did state how long they were separated during their courtship.

On the Form G-325A, however, the Petitioner indicates that she was living in Oklahoma from August 2004 until October 2009, which includes the period of time when she met and dated E-B- prior to their marriage. The Petitioner does not mention in her personal statements that she lived in Oklahoma at any time, and her statements indicate that she was resident in Massachusetts full-time when she met E-B- in August 2008 and began dating him. The Petitioner also did not mention in her statements when she returned to Kenya in 2009, how long she was away from E-B-, and whether and how they communicated during her absence from the United States. Accordingly, these inconsistencies diminish the weight of her personal statements as credible evidence that she entered into her marriage with E-B- in good faith, as they raise doubts concerning her claims of how and when she met E-B- and their relationship prior to their marriage.

Even if inconsistencies did not exist between the Petitioner's statements and other evidence in the record of proceedings, the Petitioner's statements would not suffice in demonstrating her good faith intent upon entering into her marriage. The Petitioner's initial personal statement was brief and provided very few details regarding her relationship with E-B-, aside from the abuse she claims to have experienced. In her subsequent personal statement, the Petitioner supplied additional details regarding her first meeting with E-B-, their first date, some shared interests during their courtship, and their engagement. However, she did not provide detailed descriptions of her courtship with E-B-, their wedding plans, or their wedding ceremony. The Petitioner also did not provide details regarding specific shared experiences with E-B- after they married, or marital routines in their household, other than instances of abuse.

The supporting statements of the Petitioner's friends also lack sufficient detail to support her claim that she entered into the marriage in good faith. ██████████ stated that the Petitioner told him about her plans to marry E-B- and that he felt it was too soon because she had recently divorced, but that he could tell that the Petitioner was happy with E-B-. ██████████ also claimed that he discussed his concerns about the marriage with the Petitioner's mother, who also had concerns but agreed that E-B- made the Petitioner happy. ██████████ recounted that he did not see the Petitioner often after she married E-B- until the spring of 2011, when she told him that E-B- was abusive. He stated that he witnessed an incident of abuse by E-B-, and that he arranged a meeting with the Petitioner and E-B-. According to ██████████ the Petitioner and E-B- stated at the meeting that there were problems in their relationship but that they loved each other and wanted to remain married. ██████████ indicated that he then witnessed another incident of abuse by E-B- and that he was surprised that the Petitioner returned home with E-B- after being treated that

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way. Although [REDACTED] discussed his opinions of the Petitioner's relationship with E-B-, he did not otherwise provide probative detail or insight into the Petitioner's intentions in marrying E-B-.

[REDACTED] asserted that he was present at the party where the Petitioner met E-B-. He recalled that E-B- watched the Petitioner and then spoke with her, and they appeared to enjoy each other's company. [REDACTED] claimed that the Petitioner and E-B- became "inseparable" after a few months and they loved each other. According to [REDACTED] E-B- used to introduce the Petitioner as his [REDACTED]. He further stated that E-B- visited the Petitioner at her address on [REDACTED] and brought her flowers, candy, and chocolate. [REDACTED] believed that the couple was "a match made in heaven." [REDACTED] stated that he witnessed an incident of abuse by E-B- and asserted that the Petitioner later asked to stay with him. [REDACTED] statement largely focuses on the abuse by E-B- against the Petitioner and does not provide probative detail regarding the Petitioner's intentions in marrying E-B-. In addition, [REDACTED] statement that the Petitioner and E-B- were "inseparable" when they were dating has diminished value in light of the evidence in the record that the Petitioner was living in Oklahoma when the couple met and dated.

Another friend, [REDACTED] claimed in his statement that he met E-B- when E-B- was the Petitioner's boyfriend and that the Petitioner married E-B- in 2010. He stated that E-B- loved the Petitioner but had a short temper. He indicated that he spoke with the Petitioner and E-B- about problems in their relationship. He asserted that he believed the Petitioner was "blinded by what seemed to be true love" and was hurt in her relationship with E-B-. Like the other supporting statements, [REDACTED] declaration does not provide necessary details regarding the Petitioner's intentions in marrying E-B-.

The Petitioner also supplied a psychological evaluation from [REDACTED] dated January 24, 2014. [REDACTED] indicated that the Petitioner reported meeting E-B- at a family reunion in [REDACTED] New Hampshire. This is inconsistent with the Petitioner's declaration, which indicated that she met E-B- at a party at [REDACTED] home. [REDACTED] also stated that, per the Petitioner's account, she and E-B- spoke and danced and then exchanged telephone numbers. [REDACTED] claimed that the Petitioner felt that E-B- "was the best." According to [REDACTED] the Petitioner reported that E-B- "proposed marriage immediately," and that the Petitioner agreed, but informed E-B- that she could not get married until her divorce from her previous husband was finalized. [REDACTED] statement conflicts with the Petitioner's personal statement submitted in response to the RFE, in which she alleged that E-B- proposed on July 4, 2010. The Petitioner's divorce decree reflects that her divorce from her previous spouse was final on [REDACTED]. [REDACTED] further stated that, according to the Petitioner, E-B- initially treated her "very well with respect," but that he later became abusive. [REDACTED] evaluation contains unexplained inconsistencies with one of the Petitioner's personal statements, which diminishes the weight that we accord his account of information reported to him by the Petitioner. Additionally, [REDACTED] does not discuss the Petitioner's meeting, courtship, engagement, or marriage to E-B- in probative detail. Therefore, [REDACTED] evaluation is insufficient to support the Petitioner's claim that she entered into the marriage with E-B- in good faith.

As discussed above, the Petitioner submitted a bank statement listing the names of the Petitioner and E-B-, but the statement lists few transactions and does not reflect that the Petitioner and E-B- used the account. Similarly, the letter from the bank only confirms that the bank account once existed, but does not offer insight into the date the account was opened or closed or show that the account was used. Furthermore, the photocopies of envelopes and greeting cards the Petitioner submitted show only that the Petitioner received some mail at E-B-'s address, but do not provide information regarding the Petitioner's intentions in marrying E-B-. Also, as addressed above, some of the envelopes for the greeting cards appear to have been addressed by the same person despite bearing different names in the return address portion.

The Petitioner also submitted unlabeled and undated photographs showing that the Petitioner and E-B- were married in a ceremony and spent time together on at least one other occasion. The photographs submitted by the Petitioner do not carry great weight towards her claim that she entered into the marriage with E-B- in good faith because, while they show the Petitioner and her spouse together on several occasions, without descriptions or dates, they are insufficient to establish a probative account of their courtship, wedding ceremony, shared residence, and shared experiences.

Therefore, the preponderance of the evidence does not establish that the Petitioner married E-B- in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act.

#### IV. CONCLUSION

The Petitioner has not demonstrated by a preponderance of the evidence that she resided with her U.S. citizen spouse or entered into her marriage in good faith. Therefore, the Petitioner is ineligible for immigrant classification under section 204(a)(1)(A)(iii) of the Act.

In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. 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.

**ORDER:** The appeal is dismissed.

Cite as *Matter of P-N-L-*, ID# 15255 (AAO Apr. 14, 2016)