



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

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

MATTER OF M-A-A-

DATE: JUNE 29, 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) section 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 Form I-360, Petitioner for Amerasian, Widow(er), or Special Immigrant (VAWA petition) filed by the Petitioner. The Director concluded that the Petitioner did not demonstrate that he entered into his marriage with his spouse, T-R-,¹ in good faith. The Director granted the Petitioner's motion to reopen and reconsider and affirmed the denial of the VAWA petition. We dismissed a subsequent appeal, affirming the Director's determination that the Petitioner did not establish that he entered into his marriage to T-R- in good faith.²

The matter is now before us again on a motion to reopen. On motion, the Petitioner submits a brief and additional evidence. The Petitioner claims that evidence which he submits with the motion to reopen demonstrates that he entered into marriage with T-R- in good faith.

Upon review, we will deny the motion to reopen.

I. APPLICABLE LAW

A motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). 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).

¹ Name withheld to protect the individual's identity.

² As our prior decision adequately set forth the facts of these proceedings, we recite here only the facts relevant to our decision on motion.

(b)(6)

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II. ANALYSIS

Upon a full review of the record, as supplemented on motion, the Petitioner has not overcome the ground for denial. The Petitioner submits in support of the motion a brief; a previously-submitted personal statement dated January 15, 2015; a new personal statement dated January 22, 2016; and a partial copy of a post on [REDACTED]

In the new personal statement, the Petitioner discusses how he felt when he first met T-R-, their first date, his intent in marrying T-R-, and their wedding ceremony. With respect to how he felt when they first met, the Petitioner states that he felt like he fell in love with T-R- at first sight, was immediately attracted to her, and realized when they talked that she was very smart and she knew what she wanted to do with her life. He also relates that, from the very beginning of speaking with T-R-, he felt like he could spend the rest of his life with her.

In terms of their first date, he largely reiterates the information contained in his personal statement dated January 15, 2015, including that they went to a specific restaurant on their first date, which occurred near Valentine's Day in February 2011. He adds to his previous personal statement by reporting that, during their first date, they got to know each other by sharing information about their backgrounds and families. The Petitioner also recounts that he realized on their first date that T-R- was a "very caring and loving person," she gave him good advice and was very supportive, and he was "amazed by how strong she was, raising her son alone and [he] was proud that [she] wanted to be with him."

The Petitioner further discusses his intent in marrying T-R- by stating that he and T-R- decided in August 2012 to marry because they were in love, and "understood each other and wanted to spend the rest of [their] live[s] together." He indicates that, while he was nervous to propose, "it felt like it was right," because they had been dating for over one year, and they "went together so well." He states that he proposed to T-R- at the restaurant where they went for their first date and they picked [REDACTED] 2012, as the date for their wedding. In the personal statement he submits with the motion, the Petitioner indicates that they did not have the money for a "grand celebration" and wanted to keep the ceremony simple. He also relates that they did not tell their family or friends that they were engaged because they did not know if T-R-'s mother would approve because they are from different cultures and he lacked immigration status. He reports that, during their two-month engagement, their upcoming wedding was "a special secret that was just for us."

In his new statement, the Petitioner provides some additional information beyond the description contained in his previous personal statement regarding his and T-R-'sr wedding ceremony and celebration. He states that he bought T-R- a new dress from [REDACTED] he wore a suit, and he was excited and happy to be getting married. He recounts that they did not invite any friends or family because they wanted it to be a private ceremony. He relates that they went to the court in [REDACTED] Texas, to fill out an application for a marriage certificate and then waited 72 hours before returning to the court to be married, where a judge performed the ceremony at 12:30 p.m. The Petitioner indicates that a member of the court's staff took photographs and he posted one of the photographs

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the same day on [REDACTED] and that was their official wedding announcement. He recalls that, after the ceremony, he and T-R- went to eat at a nearby restaurant and then went to tell T-R-'s mother that they were married. He also relates that they told two of their mutual friends, A-T- and N-R- about their wedding that evening and he and T-R- organized an impromptu gathering at their apartment with A-T- and T-R-'s mother, half-sister, and son, and they ate food brought by A-T-. He recounts that he called his parents in Jordan and they were both surprised and happy to hear that he was married and they talked about he and T-R- visiting them in the future.

As noted above, the Petitioner provides some additional information with this motion as compared to his prior statement regarding his relationship with T-R-, such as the couple's decision to marry, his proposal to T-R-, and their decisions regarding when and where to marry and whether to inform their families or friends. The remaining information in the new personal statement he submits on motion, however, is largely duplicative of the information contained in his previous personal statement and, in particular, the couple's activities following the wedding ceremony. In addition, the new personal statement contains inconsistent information from his previous personal statement and does not address a period of time which is significant in terms of establishing that the Petitioner entered into his marriage with T-R- in good faith.

The information contained in his personal statements with respect to why he and T-R- picked their wedding date varies. In his previous personal statement, the Petitioner indicated that they picked that date for their wedding because it was close to T-R-'s birthday on [REDACTED] in his most recent personal statement, he indicates that "[w]e picked the date of our wedding as [REDACTED] 2012" but he does not indicate that the date was selected for any particular reason. In addition, the personal statement the Petitioner submits on motion contains a significant gap: it describes the couple's first date and wedding ceremony but does not discuss any specific times they spent together during their intervening 18-month courtship. In fact, the paragraph of his personal statement captioned "Courtship" only discusses how they met and their first date but does not describe any other events or shared experiences during their courtship. Accordingly, the Petitioner's most recent personal statement is not sufficient to establish that he entered into his marriage with T-R- in good faith.

The Petitioner also submits with this motion a partial copy of a post on [REDACTED]. The post features a previously-submitted photograph of the Petitioner and T-R- at their wedding ceremony. The post bears a date of [REDACTED] 2012, but it is not clear if that is the date on which it was posted on [REDACTED]. The post also does not indicate who posted it or to whom and it depicts only a portion of the complete post. In addition, most of the text on the post is not translated into English in accordance with 8 C.F.R. § 103.2(b)(3). Accordingly, the post does not establish that the Petitioner entered into his marriage with T-R- in good faith.

In our decision on appeal, we also noted that certain evidence submitted by the Petitioner did not establish that he entered into his marriage with T-R- in good faith. In particular, we noted that the affidavits from their mutual friends, A-T- and N-A-, who claimed to have spent time with the Petitioner and T-R- during their courtship, lacked detailed descriptions of specific events or activities involving the Petitioner and T-R-. In a personal statement, dated March 4, 2015, which the

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Petitioner submitted on appeal, he noted that the affidavits he provided from A-T- and N-A- with his VAWA petition were “too vague” and he stated that he will provide “new affidavits [*sic*] with more details about the different dynamics of the relationship.” The Petitioner did not submit on appeal or with this motion new affidavits from A-T- or N-A-.

Accordingly, when viewed in the totality, the evidence in the record of proceedings does not demonstrate that the Petitioner entered into marriage with his spouse in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act.

III. CONCLUSION

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 motion to reopen is denied.

Cite as *Matter of M-A-A-*, ID# 17362 (AAO June 29, 2016)