



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

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

MATTER OF H-T-M-V-

DATE: MAY 9, 2017

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 of the Vermont Service Center revoked approval of the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, because the Petitioner later admitted to U.S. Citizenship and Immigration Services (USCIS) officers that she married her former spouse solely to obtain an immigration benefit. The Director concluded that the Petitioner did not, as required, enter into marriage with her former spouse, a U.S. citizen, in good faith. We dismissed the Petitioner's appeal and denied her subsequent motion to reopen and motion to reconsider.

On this second motion to reopen, the Petitioner submits a brief and additional evidence and asserts that a preponderance of the evidence establishes that she married her former spouse in good faith.

Upon review, we will deny the motion to reopen.

A motion to reopen is based on evidence of new facts. 8 C.F.R. § 103.5(a)(2). The additional evidence the Petitioner submits on motion is insufficient to establish that she married her former spouse in good faith, as section 204(a)(1)(A)(iii)(I)(aa) of the Act requires and under the evidentiary standard of 8 C.F.R. § 204.2(c)(2)(vii).

In our decision on the Petitioner's prior motion, which is incorporated here by reference, we noted that the Petitioner informed USCIS investigators that she married her former spouse, T-L-,<sup>1</sup> a U.S. citizen, primarily for the purpose of circumventing immigration laws. We considered her claim that she made her statements under duress and confusion, but found she did not demonstrate that her statements were involuntary or the result of unlawful questioning or coercion.

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<sup>1</sup> This decision uses initials to protect the identities of the individuals.

In her brief on her present motion, the Petitioner asserts that the evidence she submitted in support of her claim of good-faith marriage, including affidavits, tax returns and other financial documents, photographs, and a psychological evaluation, outweighs the adverse evidence of her statements to USCIS investigators. She also asserts that the USCIS investigators were “hostile” and repeats a previous claim that the investigation was conducted in a language in which she has limited proficiency. In a new personal statement, she repeats previous claims that she bought health insurance for T-L- and that her brother gave T-L- a car. However, the Petitioner does not address our prior finding that her statements were not involuntary or the result of unlawful questioning, nor does she provide any new evidence to explain or refute her previous statements to investigators.

We also indicated in our decision on the Petitioner’s prior motion that the documentary evidence in the record was not sufficient, in the absence of probative testimony, to establish that she married T-L- in good faith. In her new personal statement on motion, the Petitioner asserts that she loved T-L- and believed they would stay together. She repeats previous claims about where she and T-L- met, when they moved in together and got married, that they spent time together with their family members, and that T-L- lived in another city during the week for employment reasons. She further states that T-L- was romantic, sent her flowers at work, and helped her children with homework and learning English. She does not provide sufficient information about her courtship, wedding, joint residence, or shared experiences, as 8 C.F.R. § 204.2(c)(2)(vii) requires of evidence to establish a self-petitioner’s entry into the marriage in good faith.

The Petitioner also submits in support of her present motion a statement from a friend, K-T-, who claims she hosted the party where the Petitioner met T-L-. K-T- provides general information about the Petitioner’s first meeting with T-L-, asserts that the Petitioner was in love, and states she attended the wedding with family members and friends. However, K-T- does not indicate that she has any further personal knowledge of the Petitioner’s shared residence and experiences with T-L-.

As additional supporting evidence, the Petitioner submits photographs depicting her and T-L- together on three different occasions, and a photograph of herself holding flowers she claims T-L- sent to her at work. Without probative testimony, this evidence is not sufficient to establish that the Petitioner married T-L- in good faith.

The Petitioner does not submit new evidence on motion that is sufficient to establish that she entered into marriage with her former spouse in good faith. She has not established eligibility for immigrant classification as an abused spouse of a U.S. citizen.

**ORDER:** The motion to reopen is denied.

Cite as *Matter of H-T-M-V-*, ID#00254281 (AAO May 9, 2017)