

DATE

U.S. Citizenship and Immigration Services
Vermont Service Center
38 River Rd
Essex Junction, VT 05452

**Re: Request for Evidence for Form I-360 VAWA Self-Petition of:
MS. DIANA PRINCE (A# 123-456-789)**

Dear Immigration Officer:

My office represents Ms. Diana Prince in her petition under the Violence Against Women's Act. My G-28 is already on file.

On **Date**, the Service mailed a Request for Further Evidence (RFE) related to Ms. Prince's petition. In particular, the Service finds that Ms. Prince has submitted insufficient evidence of: (1) good faith marriage; and (2) shared residence.

Ms. Prince is applying for status as a VAWA Self-Petitioner under INA 204(a). The INA explicitly articulates the standard of review for VAWA self-petitions as "any credible evidence relevant to the petition."¹ The VAWA provisions—which mandate a flexible evidentiary standard—were created by Congress in recognition of the isolation and limited resources of many abused immigrant spouses and their consequent inability to provide documentation in support of a self-petition.²

As the INS Office of the General Counsel has previously noted, "[A]djudicators reviewing battered spouse and child petitions should be mindful of the remedial nature of the self-petitioning provisions of the Act" and those "remedial measures should generally be construed in favor of the class intended to benefit from the remedy."³ The self-petitioner is not required to demonstrate the unavailability of evidence and a self-petition "may only be denied on evidentiary grounds *if the evidence that was submitted is not credible or otherwise fails to establish eligibility*" (emphasis added).⁴

Ms. Prince has submitted sufficient, credible evidence to demonstrate her eligibility for VAWA. Specifically, Ms. Prince has provided sufficient evidence – and now submits additional evidence – that her marriage to Mr. Morgan was in good faith and that they shared a residence.

Good Faith Marriage

Ms. Prince submitted ample evidence that her marriage to Mr. Morgan was in good faith.

¹ See INA 204(a)(1)(J).

² 8 C.F.R. 204.2(c)(2)(i)

³ Memorandum from Paul W. Virtue, Office of General Counsel, "Extreme Hardship" and Documentary Requirements Involving Battered Spouses and Children to Terrance O'Reilly, Director, Administrative Appeals Office (Oct 16, 1998), at 7-8.

⁴ *Id.* at 7.

The RFE states that “a marriage having legal effect does not by itself establish the existence of a good faith marriage.” Ms. Prince submitted a marriage certificate to prove a *legal* marriage, as that is also required by the regulations.

The RFE also states that photos cannot be given “much evidentiary weight” since they “capture one time events” and did not have “thorough explanations.” Ms. Prince does not recall submitting photos with her initial petition. Nor did we submit photos with our supplementary filing. However, we now submit photos, with captions, taken during different moments in their relationship. *See Exhibits J, K.*

The RFE further states that Ms. Prince’s personal statement didn’t provide “sufficient detailed information regarding the interactions between” Ms. Prince and her spouse to show that they “shared the emotional and domestic bonds normally associated with a marriage.”

Ms. Prince’s affidavit detailed her relationship with Mr. Patrick Morgan from the time they met, in 2014, until she had to flee their apartment due to his abuse, in December 2019. *See Exhibit A.* Per her affidavit, Ms. Prince met Mr. Patrick in 2014, through mutual friends. They continued to stay in communication and see each other as often as they could, despite the distance between their residences. Ms. Prince explained that, at the time they met and began dating, she lived in City and Mr. Morgan lived in City.

During the year or so that they dated, they spoke about their future together. In 2016, Ms. Prince moved to City to live with Mr. Morgan. Ms. Prince believed that he was a good man who loved her and who would be a good father since she saw how he treated his nephews so well. Both Ms. Prince and Mr. Morgan worked to pay for her engagement ring and their wedding. They married on Date in City and celebrated in State with their close friends.

The details in Ms. Prince’s affidavit provide insight into her good faith marriage with Mr. Morgan.

In her affidavit, Ms. Prince also explains that, during their relationship, she and Mr. Morgan shared all their expenses. As further evidence of their good faith marriage, Ms. Prince submitted evidence of their shared health and car insurance policies and documentation showing that Mr. Morgan was the beneficiary of her 401(k) plan.

The RFE dismisses this evidence by stating that the car insurance statement was “not accompanied by the remainder of the policy” and that Ms. Prince did not provide “evidence as to when your policy was opened or if the premiums were jointly paid.” Ms. Prince now submits a “Declarations Page” from her insurance company, also showing both Mr. Morgan and Ms. Prince as insured drivers and that a policy began in February 2017. *See Exhibits G, H.*

Additionally, Ms. Prince now submits copies of bank statements showing that she and Mr. Morgan shared a joint bank account. Although it is irrelevant whether the car insurance premiums were “jointly paid,” the statements reflect that, in fact, the car insurance was paid from joint funds.

Ms. Prince also submitted bills from her medical insurance company to demonstrate that Mr. Morgan utilized Ms. Prince’s insurance. However, the RFE states that “this evidence is of

limited duration and it is unclear how long your insurance was held for.” Further, Ms. Prince’s “intent in the marriage is not discussed through this evidence.”

While it is unclear how health insurance would discuss the intent of any marriage, Ms. Prince demonstrated, through this evidence, that she included her husband on her insurance plan and he utilized it. Though this should suffice, Ms. Prince has been able to find additional documentation of medical visits Mr. Morgan made, using her insurance, and now submits further evidence that, her husband, Mr. Morgan benefited from her insurance plan. *See* Exhibits C-F. This serves to support the assertion that Ms. Prince married Mr. Morgan in good faith and that they had the “domestic bonds normally associated with a marriage.”

Ms. Prince’s decisions to move to City to live with Mr. Morgan, to name Mr. Morgan as the beneficiary of her 401(k) plan, to add him as a beneficiary of her health insurance, to share car insurance with him, and to open a joint bank account with him serve as more than sufficient evidence to demonstrate that Ms. Prince married Mr. Morgan in good faith.

Shared Residence

The RFE also requests evidence that Ms. Prince lived with Mr. Morgan suggesting we submit joint leases, insurance policies, or utility invoices listing a common address for her and her spouse. The RFE does not address any of the evidence originally submitted with Ms. Prince’s self-petition.

In her affidavit, Ms. Prince states that she moved in with Mr. Morgan in 2016. *See* Exhibit A at page 1. She further describes that she lived with Mr. Morgan until December 2019, when she had to call the police on him for assaulting her and left the apartment for her physical safety. *See* Exhibit A at pages 2 and 5-6.

Ms. Prince also submitted multiple letters addressed to both Mr. Morgan and herself. *See* Exhibits L-N. This included two letters from Company in September and November of 2018 and an invoice from Insurance Company in April 2019. Each of these is addressed to Ms. Prince and Mr. Morgan ADDRESS (albeit, with spelling errors in the Company letters). Ms. Prince also submitted rent receipts, which we resubmit now. *See* Exhibit O.

Ms. Prince also submitted other documentation that proves joint residence. For one, Ms. Prince’s 401(k) notice was addressed to her ADDRESS. *See* Exhibit B. This is also true of her Medical Insurance notice and Car Insurance statement. *See* Exhibits C, G. Finally, Ms. Prince submitted a police report which shows the suspect’s, Mr. Morgan, residence as ADDRESS. Ms. Prince has submitted ample evidence to prove shared residence.

In sum, we respectfully submit that Ms. Prince has demonstrated her eligibility for VAWA in this case. Ms. Prince has demonstrated that she married Mr. Morgan in good faith and that she resided with him.

Should you have any questions relating to this application, please do not hesitate to contact me. I can be reached by telephone at (XXX) XXX-XXXX, by email at name@email.org, or by mail at the address listed on this letter.

Sincerely,

Attorney Lia Ocasio

Enclosures