



U.S. Citizenship
and Immigration
Services

Date: DEC 27 2007

THIS IS A REQUEST FROM UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (CIS) FOR:
 INITIAL EVIDENCE / ADDITIONAL EVIDENCE. READ THE FOLLOWING INSTRUCTIONS CAREFULLY.

Return this form and all attachments, with your response, to this office **WITHIN 42 DAYS**.

Within the time specified, you may submit a complete response containing all requested evidence, submit a partial response, or withdraw the application or petition. *If you do not respond by the required date*, CIS may deny the application or petition as abandoned, deny the application or petition on the record, or both.

In order to submit a complete response containing all requested evidence, *all of the requested materials must be submitted together at one time*, along with this original form. Submission of only *some* of the requested evidence (a partial response) will be treated as a request for a decision on the record.

In order to serve you more efficiently, this office requests that you hand-deliver your response, in person, to Room E140 at the JFK Federal Building (see address above), between the hours of 7:30am – 3pm, Monday – Friday.

Although you identified yourself at your interview with Brazilian passport #CH[REDACTED], the record shows use of an alternate passport. On Form I-693, the civil surgeon's office noted that you identified yourself with passport #CS[REDACTED], rather than the passport that you used at this office.

Please submit a **clear unmarked copy (every page) of your passport #CS[REDACTED]** as submitted to the civil surgeon.

The record further shows contradictory immigration status. You submitted a copy of a scholarship award letter for the Thurgood Marshall/Cesar Chavez/Russell Means Scholarship. Publicly available information for this scholarship shows that "candidates must be either United States citizens or permanent residents. International students are not eligible for this scholarship opportunity."

Please submit a **copy of any and all documents used to establish eligibility** (as an United States citizen or permanent resident alien) for the Thurgood Marshall/Cesar Chavez/Russell Means Scholarship.

A petitioner or applicant, respectively, may withdraw a petition or application. Withdrawal is a final action for which there are no appeal or motion rights. A withdrawal may not be retracted. Withdrawal, however, does not preclude the filing of a new petition or application with a new fee. **If you choose to withdraw your petition or application, please submit your request in writing.**

cc: file
cc:



U.S. Citizenship
and Immigration
Services

A [REDACTED]
[REDACTED]

Date: DEC 27 2007

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

On January 8, 2007, you ([REDACTED], the petitioner) filed a Petition for Alien Relative (Form I-130) on behalf of [REDACTED] (the beneficiary). You seek to classify the beneficiary for immigration purposes as the spouse of an United States citizen under section 201(b) of the Immigration and Nationality Act (the Act). **This letter serves as notice that United States Citizenship and Immigration Services (CIS) intends to deny the petition.**

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought (Matter of Brantigan, 11 I&N Dec. 493, BIA 1966). You have not met that burden.

On June 5, 2007, you and the beneficiary appeared at this office for an interview with an Immigration Officer. Your testimony under oath, as well as the evidence that you submitted, failed to establish the claimed spousal relationship for immigration purposes.

Although a marriage may be given legal effect in the United States or abroad, CIS is not required to recognize it for the purpose of conferring immigration benefits where the marriage was entered into for the purpose of evading the immigration laws. Matter of M-, 8 I&N Dec 217 (BIA 1958); Lutwak v. United States, 344 US 604 (1953); Johl v. United States, 370 F.2d 174 (1966).

In determining the validity of a marriage for immigration purposes, the conduct of the parties after the marriage is relevant as to their intent at the time of marriage. Evidence to establish intent may take many forms, including, but not limited to, proof that the beneficiary has been listed as the petitioner'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. A marriage entered into for the primary purpose of circumventing immigration laws is not recognized for the purpose of obtaining immigration benefits (Matter of Laureano, 19 I&N Dec. 1, BIA 1983).

The facts of an individual case may imply the marriage was entered into solely for the purpose of obtaining immigration benefits. If the evidence of record reflects, for instance, that the parties have never lived together in a husband and wife relationship, that petitioner has never listed beneficiary as spouse on any document nor contributed to support the spouse, or that there are contradictions in petitioner's statement regarding the living arrangements of the parties, as well as inconsistencies between the statements of petitioner and beneficiary with reference to their living arrangements, then it may reasonably be inferred that the parties entered into the marriage for the purpose of obtaining immigration benefits (Matter of Phillis, 15 I&N Dec. 385 (BIA 1975)).

The record shows discrepancies regarding your reported residence. At the interview, you and the beneficiary testified that for the first few months of your marriage, you each lived with your respective parents. You testified, however, that your parents do not know about your marriage. On Form G-325A (Biographic Information), you indicated that in the last five years, your only two places of residence were on [REDACTED] in [REDACTED] and on [REDACTED] in [REDACTED]. At the interview, however, the beneficiary testified that before moving in together in January 2007, you lived in a dormitory at [REDACTED] College (in [REDACTED], not in [REDACTED] or [REDACTED]). It appears, therefore, that your Form G-325A is incomplete or incorrect, rendering it of little probative value to establish residence.

At the interview, the beneficiary testified that his current address is on [REDACTED] Street in [REDACTED] (for six months, January – June 2007). You submitted a copy of a rental agreement showing that the following month, you and the beneficiary planned to move to [REDACTED] Street in [REDACTED]. The rental agreement shows occupancy at the [REDACTED] Street residence by at least three other individuals (total of five), and appears typical of a college roommate situation rather than a marital residence. The record, therefore, does not sufficiently show that you and the beneficiary have ever shared a bonafide marital residence.

The record further does not sufficiently show mutual financial support. You indicated that you have been an unemployed student since at least 2001. The beneficiary similarly indicated that aside from three months of employment in 2006, he is an unemployed student. You did not submit evidence of joint marital income.

Although you submitted invoices and rental agreements showing joint bills, they are of little probative value to show shared marital expenses because you did not establish an income sufficient to cover those expenses. You submitted a copy of your jointly filed 2006 federal tax return, on which you indicated that despite your marriage in 2006, your parents continue to claim you as a dependent on their tax return. While it appears, therefore, that you and the beneficiary respectively receive *family* support as typical for college students, you have not sufficiently established *spousal* support. The record, therefore, does not show that you and the beneficiary share marital income, expenses, assets, liabilities, and/or other financial responsibilities.

In view of the above, you have not sufficiently established that you and the beneficiary share a bonafide family relationship for immigration purposes.

In accordance with Matter of To, 14 I&N Dec. 679 (BIA 1974), you are afforded the opportunity to rebut the above-mentioned derogatory information and to submit any additional evidence in support of the petition. You are hereby granted thirty (30) days from the date of this notice to submit such rebuttal or evidence. Failure to respond within the allotted time will result in the denial of your petition for the reasons set forth above.

Sincerely,

[REDACTED]

Karen-Anne Haydon
Director
Boston Field Office

cc: file
cc:

by: DFK