



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

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

In Re: 19236906

Date: JUL. 5, 2022

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse or Child of U.S. Citizen

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified at section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director of the Vermont Service Center denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), concluding that the Petitioner did not establish: 1) a qualifying marital relationship, and his corresponding eligibility for immigrant classification, and 2) that he is a person of good moral character. The matter is now before us on appeal. On appeal, the Petitioner submits additional evidence and asserts his eligibility.

The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

I. LAW

A VAWA petitioner who is the spouse or ex-spouse of a United States citizen may self-petition for immigrant classification if the petitioner demonstrates that they entered into the marriage with a United States citizen spouse in good faith and that during the marriage, the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii)(I) of the Act; 8 C.F.R. § 204.2(c)(1)(i). In addition, petitioners must show that they are eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and are a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act; 8 C.F.R. § 204.2(c)(1)(i). Specifically, a petitioner must submit evidence of the relationship in the form of a marriage certificate and proof of the termination of all prior marriages for the petitioner and the abuser. 8 C.F.R. §§ 204.2(b)(2), (c)(2)(ii).

The burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). U.S. Citizenship and Immigration Services (USCIS) shall consider any credible evidence relevant to the VAWA petition; however, the definition of what evidence is credible and the weight that USCIS gives such evidence lies within USCIS' sole discretion. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

II. ANALYSIS

In this case, the Petitioner, a citizen of Tanzania, indicated on his VAWA petition that he had been married only once and that his abuser, C-L-B-,¹ had been married two times.² In support of his VAWA petition, the Petitioner submitted, in pertinent part, a copy of his marriage certificate to C-L-B- and a copy of his marriage annulment from his first wife in Tanzania. The submitted Annulment Order, stamped by the Resident Magistrate and dated [REDACTED] 2009, recognizes that the “Annulment of Traditional marriage between the spouse[s] which was done on [the] [REDACTED] 2003 by . . . the head of [N-] Clan was correct according to laws and traditions of [C-] Tribe which the spouse belongs.”

According to the Department of State’s Foreign Affairs Manual and the Department of State’s Visa Reciprocity Index, certified copies of divorce decrees in Tanzania can be obtained from the Registrar, High Court, P.O. Box 9004, Dar es Salaam. At the time of filing, the Petitioner submitted an Annulment Order issued on [REDACTED] 2009, which was stamped by a Resident Magistrate, not by the Registrar, High Court from Dar es Salaam. In response to the Director’s request for evidence (RFE), the Petitioner submitted an identical annulment document. However, the newly submitted document was stamped by the Registrar High Court of Tanzania at Dar Es Salaam and, identical to the previously submitted document, indicated that it was “GIVEN under my hand and the seal of the Court this [REDACTED] 2009.”

In denying the petition, the Director determined that the document stamped by the Registrar High Court of Tanzania at Dar Es Salaam could not have been “given under [its] hand,” as the prior document with identical language indicated it was performed by the Resident Magistrate. The Director noted that the document appeared to have been re-drafted and fraudulently stamped by the High Court to give the appearance that the Annulment conformed to the Department of State’s Foreign Affairs Manual and the Department of State’s Visa Reciprocity Index, and concluded that the document stamped by the Registrar High Court of Tanzania at Dar Es Salaam is not sufficient to satisfy the qualifying relationship requirement.³

On appeal, the Petitioner re-submits both copies of the Annulment Orders—one stamped by the Resident Magistrate, and one stamped by the Registrar High Court of Tanzania at Dar Es Salaam, both dated [REDACTED] 2009. In his brief on appeal, the Petitioner contends that the High Court “did not issue a new date [on the Annulment Order] because it was simply reaffirming the order [of the Resident Magistrate],” and when reaffirming an order, “it does not provide a new date[,] it only replaces the signature of the magistrate.” The Petitioner indicated that it is customary for the High Court to reaffirm an order at the request of either party.

¹ We use initials to protect the privacy of individuals.

² The record contains a copy of C-L-B-’s Decree of Divorce, dated [REDACTED] 2003.

³ The Director also concluded that the Petitioner did not establish that he is a person of good moral character. Since the identified basis for denial is dispositive of the Petitioner’s appeal, we decline to reach and hereby reserve the Petitioner’s appellate arguments regarding his good moral character. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

The Petitioner also submits a deposition of G-N-, a member of the bar of the High Court of Tanzania, performed by the Petitioner's counsel in July 2021. In this deposition, G-N- indicates that he is a "senior counselor of the High Court in Tanzania," who represents clients before the High Court and answers a series of questions pertaining to the procedures of issuing orders, certifying orders, and reaffirming orders at the Resident Magistrate and High Court in Tanzania. Notably, G-N- advises that the Resident Magistrate is subordinate to the High Court and each court signs and certifies its own orders. He explains that the certification process is separate from the issuance of an order and that either party may request that the court that issued the order also certify the order. He further explains that the date stated on the document is the date when the court rendered the judgement or the order was "delivered," and if the document is certified, it will be certified on the date when the certification is done. Then, when specifically asked about requesting certification from the High Court for an order rendered by the Resident Magistrate, G-N- explains that "the [High] court will give the document the date when it was delivered. Because it is being certified as at the date when it was delivered." He explained that the date stated on the document would be "the date when the document when it [*sic*] was rendered the judgement or delivered. If it is certified for that matter, it will be certified on the date when the certification is done." When specifically discussing the Petitioner's Annulment Order stamped by the Registrar High Court of Tanzania at Dar Es Salaam, G-N- stated that this document "does not bear a certification . . . it is not certified, it is signed."

The Petitioner then submits a copy of Chapter 33 of the Civil Procedure Code of the Revised Laws of Tanzania 2019 [Civ. Proc. Code, CAP. 33 R.E. 2019], and contends that the Annulment Order stamped by the Registrar High Court of Tanzania at Dar Es Salaam "substantially complies" with the requirements of Chapter 33. Further, the Petitioner submits a document from G-N- outlining the Sections of Civ. Proc. Code, CAP. 33 R.E. 2019, specifically indicating that the Annulment Order complies with "Rule 35" which "provides that the decree of the court shall bear the date on which the judgment was delivered." However, while Section 35(1) of Civ. Proc. Code, CAP. 33 R.E. 2019 specifically states that "[t]he decree of the Court shall bear the date of the day on which the judgement was pronounced," Section 35(4) further states that "[t]he decree shall be signed and dated by the judge or judges who passed it."

After a careful review of the entire record, including the new evidence submitted on appeal, we conclude that the Petitioner has not established a qualifying marital relationship as he has not provided sufficient proof of the legal termination of his first marriage, as required. 8 C.F.R. §§ 204.2(b)(2), (c)(2)(ii). In this matter, the Annulment Order stamped by the High Court indicates that the order was rendered on [REDACTED] 2009, the same date that the Resident Magistrate rendered its order. However, first, the Petitioner has not demonstrated that this is a proper document issued by the High Court. While the Petitioner's counsel interviewed a purported "senior counselor of the High Court in Tanzania" who claims that the Annulment Order stamped by the High Court appears properly executed, the Petitioner has not submitted evidence of G-N-'s identity or credentials for making such declarations. Further, the Petitioner has not submitted documentation or verification from the High Court to validate that the Annulment Order from the High Court is proper given its identical resemblance to the Order from the Resident Magistrate, down to the date of rendering. Moreover, while the Order bears a signature of the Registrar of the High Court, it is not dated by the judge who passed it, as required at Section 35(4) Civ. Proc. Code, CAP. 33 R.E. 2019. Therefore, even if the Petitioner married C-L-B- in good faith, without sufficient evidence of the legal termination of his

first marriage, we do not find that the Petitioner has met his burden of establishing a qualifying marital relationship with a U.S. citizen for purposes of immigrant classification under section 204(a)(1)(A)(iii) of the Act. Because the Petitioner did not demonstrate a qualifying marital relationship, he also did not establish that he is eligible for immediate relative classification based on such a relationship. The petition will therefore remain denied.

ORDER: The appeal is dismissed.