



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

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

In Re: 24283360

Date: FEB. 06, 2022

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse of U.S. Citizen or Lawful Permanent Resident

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified at the Immigration and Nationality Act (the Act) section 204(a)(1)(A)(iii), 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). The matter is now before us on appeal. 8 C.F.R. § 103.3.

On appeal, the Petitioner submits a brief and additional evidence. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification under VAWA if the petitioner demonstrates, among other requirements, a qualifying relationship with that spouse, that they entered into the marriage in good faith, were battered or subjected to extreme cruelty perpetrated by the spouse, and are a person of good moral character. Section 204(a)(1)(A)(iii) of the Act; 8 C.F.R. § 204.2(c)(1)(i). Among other things, the 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(c)(2)(ii).

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 given to such evidence lies within the sole discretion of USCIS. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

The Petitioner, a native and citizen of Nigeria, filed a VAWA petition based upon his marriage to a U.S. citizen. The Director denied this petition, concluding that the Petitioner had not established the requisite qualifying relationship to his U.S. citizen spouse because he had not offered evidence sufficient to establish the legal termination of his prior marriage. In this decision, the Director advised that the Petitioner's evidence, including his Divorce Nisi of Dissolution of Marriage and Certificate of Decree Absolute issued by the High Court of Justice [redacted] of Nigeria, appeared to be fraudulent. Further, the Director noted that a letter from an official of this High Court stated that these

divorce documents seemed fraudulent and advised the Petitioner to obtain certified true copies of them. In relevant part, the Director finally indicated that the Petitioner had not provided such copies as requested in a notice of intent to deny. The Director also determined that the Petitioner had not shown that he was subject to battery or extreme cruelty perpetrated by his spouse, that he is a person of good moral character, and that he entered into the marriage in good faith.¹

On appeal, the Petitioner submits a statement and additional evidence, including copy of the High Court letter in the record below to establish the legal termination of his prior marriage. This letter, issued by the Chief Registrar of the High Court, does not address whether the Petitioner's prior marriage was legally terminated. Instead, the Chief Registrar states that the Petitioner's Decree Nisi and Decree Absolute contain numerous errors and advises the Petitioner to obtain certified true copies of these documents. According to the U.S. Department of State Reciprocity Schedule for Nigeria the required divorce certificate for a visa application is the Decree Nisi and Decree Absolute issued by a judge of the High Court; it does not identify the correspondence submitted on appeal as an alternate document for the required divorce certificate.² *U.S. Visa Reciprocity and Civil Documents by Country, Nigeria*, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Nigeria.html>. The Petitioner does not discuss the correspondence in his statement on appeal or otherwise explain how it demonstrates the legal termination of his prior marriage or establishes a qualifying relationship with his U.S. citizen spouse. Moreover, the Petitioner does not present any argument that the Director erred in determining that he had not established this qualifying relationship. He therefore has not overcome this ground for the Director's denial.

We note that, on appeal, the Petitioner does contest the Director's conclusions that he is not a person of good moral character and that he was subject to battery or extreme cruelty perpetrated by his U.S. citizen spouse. However, as the Petitioner has not established a qualifying relationship, we decline to reach and hereby reserve these arguments. *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).

ORDER: The appeal is dismissed.

¹ The Petitioner does not contest the Director's conclusion that he had not established his entrance into the marriage in good faith on appeal and we do not reach the matter here.

² The Reciprocity Schedule provides that divorce decree may be issued by a Customary Court for marriages under Native Law and Custom, and a Sharia court may issue a divorce decree for Islamic marriages.