



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

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

In Re: 24094108

Date: JAN. 25, 2023

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 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 (the Director) denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition). The matter is now before us on appeal. 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 if the petitioner demonstrates, in part, that they entered into the marriage with the U.S. citizen spouse in good faith and the petitioner was battered or subjected to extreme cruelty perpetrated by the petitioner's spouse. Section 204(a)(1)(A)(iii) of the Act. 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(b)(2), (c)(2)(ii).

In February 2019, the Petitioner, a citizen of Nigeria, filed a VAWA petition wherein he indicated that he had been married two times. In 2020, through a request for evidence (RFE), the Director informed the Petitioner that the record did not contain evidence of the legal termination of his prior marriage to B-K-¹ to establish that he was free to marry T-E-K, his U.S. citizen spouse. In response to the RFE, the Petitioner submitted a Decree Nisi of Dissolution and a Certificate of Decree Absolute, both indicating they were issued in 2016 by the High Court of [REDACTED] Judicial Division, and signed by the Assistant Chief Registrar, Litigation.

The Director denied the petition, determining, based on an overseas verification and a search of the divorce records of the High Court of [REDACTED] that the Decree Nisi of Dissolution and Certificate of Decree Absolute submitted by the Petitioner did not appear to be authentic. Because the Petitioner did not establish that his first marriage was legally terminated, the Director concluded that he did not

¹ Initials are used throughout this decision to protect the identities of the individuals.

establish a qualifying relationship with a U.S. citizen, or that he was eligible for immigrant classification based on that qualifying relationship.

On appeal, the Petitioner asserts that his first marriage was legally terminated and he is thus eligible for the benefit sought. In support, he submits an affidavit; a statement from B-K-; and a June 2, 2022, letter purportedly from the Assistant Chief Registrar [redacted] Judiciary, stating that an order of dissolution of marriage between the Petitioner and B-K- was granted by the High Court of [redacted] and that the stamp on the Decree Nisi of Dissolution and the Decree Absolute “is an authentic stamp of the [redacted] High Court, [redacted] Nigeria.” The letter also states that the matter is verifiable on the [redacted] Judiciary website, and the Petitioner provides an undated print-out of the report from the provided website.

We adopt and affirm the Director’s decision with the comments below. See *Matter of P. Singh, Attorney*, 26 I&N Dec. 623 (BIA 2015) (citing *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); see also *Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) (“[I]f a reviewing tribunal decides that the facts and evaluative judgments rescinding from them have been adequately confronted and correctly resolved by a trial judge or hearing officer, then the tribunal is free simply to adopt those findings” provided the tribunal’s order reflects individualized attention to the case).

As stated by the Director, an overseas verification of the divorce decrees provided by the Petitioner was completed, and the Assistant Chief Registrar of the High Court of [redacted] Division, determined that the decrees did not conform with their records and were not issued by the High Court of [redacted]. Although we acknowledge the documentation submitted on appeal, including the letter purportedly from the High Court of [redacted] referenced above, this letter is inconsistent with the information obtained during the overseas verification stating that the decrees were not issued by the High Court. Moreover, regarding the print-out provided by the Petitioner on appeal from the [redacted] [redacted] Judiciary website, while it stated that the suit number listed on the divorce decrees was filed in [redacted] 2014 by the B-K-, the case status is “newly filed.” The submitted report does not establish that a hearing was held or that the court entered a judgment issuing the divorce decree. Therefore, the documentation submitted on appeal does not establish that the marriage between the Petitioner and B-K- was legally terminated.

On appeal, the Petitioner has not overcome the Director's finding that the authenticity of the submitted court documentation has not been established. Therefore, without sufficient evidence of the legal termination of her first marriage, the Petitioner has not met his burden of establishing a qualifying marital relationship with a U.S. citizen for purposes of immigration classification under section 204(a)(1)(A)(iii) of the Act. Because the Petitioner did not demonstrate a qualifying marital relationship, he also necessarily cannot establish that he is eligible for immediate relative classification under VAWA based on such a relationship. The petition will therefore remain denied.

ORDER: The appeal is dismissed.