



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

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

In Re: 25748788

Date: MAY 30, 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 July 2019, the Petitioner, a citizen of Nigeria, filed a VAWA petition wherein she indicated that she had been married two times. In 2021, through a request for evidence (RFE), the Director informed the Petitioner that the record did not contain evidence of the legal termination of her prior marriage to R-O-<sup>1</sup> to establish that she was free to marry O-A-, her U.S. citizen spouse. The Director noted that the previously submitted 2015 Decree Nisi of Dissolution of Marriage was not considered to be evidence of a final divorce. In response to the RFE, the Petitioner submitted a 2015 Certificate of Decree Absolute.

In July 2022, the Director, through a notice of intent to deny (NOID), informed the Petitioner that the Decree Nisi of Dissolution of Marriage and the Certificate of Degree Absolute were deemed to not be authentic and thus, they could not be accorded evidentiary weight in determining that the Petitioner had a qualifying relationship to O-A-. The Director also stated that a search of the [redacted] High Court's public online search of litigation cases regarding the Decree Nisi of Dissolution of Marriage

---

<sup>1</sup> Initials are used throughout this decision to protect the identities of the individuals.

and the Certificate of Decree Absolute yielded no results. As a result, the Director requested “other credible evidence” to establish that the marriage between the Petitioner and R-O- was legally terminated.

In response to the NOID, the Petitioner submitted a July 27, 2022 letter from the Petitioner’s solicitors in Nigeria stating that they had sought “clarification and verification” from the Assistant Chief Registrar of the [REDACTED] Nigeria regarding the “matrimonial cause” between the Petitioner and R-O-. In addition, the Petitioner submitted a July 22, 2022 letter purportedly from the Assistant Chief Registrar, [REDACTED] Judiciary. The letter stated that a divorce was instituted between the Petitioner and R-O in [REDACTED] 2013 and made absolute in [REDACTED] 2015 but the Decree Nisi of Dissolution and Certificate of Decree Absolute submitted by the Petitioner in support of the VAWA petition “are defective and not a true reflection of the Forms 35 & 41 issued by this Honourable court”. The letter stated that the previously submitted decrees were withdrawn and “the correct Decree Nisi of Dissolution of Marriage and Certificate of Decree Absolute” were being submitted and affirmed the suit number assigned to the case. The letter also explained that the reasons a search of the [REDACTED] High Court’s public online search of litigation cases regarding the Petitioner’s divorce yielded no results was because the case number referenced in the divorce documents was in a different format, based on pre-electronic filing procedures that were instituted in 2014 when the online filing system commenced.

The Director denied the petition, determining that the July 2022 letter purportedly from the assistant chief registrar and the “correct” Decree Nisi of Dissolution of Marriage and Certificate of Decree Absolute were not authentic because the signatures did not match the exemplars of the assistant chief registrar on file with USCIS. In addition, the Director noted that the information provided in the July 2022 letter indicating that the electronic filing system commenced in February 2014 was not valid as the [REDACTED] Judiciary Information System stated that electronic filing started in October 2013. Because the Petitioner did not establish that her first marriage was legally terminated, the Director concluded that she did not establish a qualifying relationship with a U.S. citizen, or that she was eligible for immigrant classification based on that qualifying relationship.

On appeal, the Petitioner asserts that her first marriage was legally terminated and she is thus eligible for the benefit sought. In support, she submits October 2022 documentation to establish that she hired a Nigerian attorney to verify her divorce with the High Court of [REDACTED]. In addition, the Petitioner submits a letter purportedly from the assistant chief registrar, dated October 28, 2022, once again confirming the validity of the divorce, including the date it was instituted ([REDACTED] 2013), the case number, and the parties involved (the Petitioner and R-O-). The letter states that the seal of the court, signature, and stamp on the “correct” Decree Nisi of Dissolution of Marriage and Certificate of Decree Absolute are “true, correct and genuine” and explains that a search for the divorce records of the [REDACTED] High Court’s public online search of litigation cases rendered no results because the Petitioner’s divorce was commenced in [REDACTED] 2013, before the electronic filing system was introduced in October 2013. The Petitioner also submits a November 1, 2022 letter from a Nigerian lawyer verifying the authenticity of the Petitioner’s divorce.

The Petitioner has not established a qualifying marital relationship as she has not provided sufficient proof of the legal termination of her marriage to R-O-, as required. As explained by the Director, the Decree Nisi of Dissolution of Marriage and Certificate of Decree Absolute initially submitted by the

Petitioner in support of her VAWA petition were not authentic. The July 2022 letter written purportedly by the assistant chief registrar noted that the Decree Nisi of Dissolution and Certificate of Decree Absolute initially submitted by the Petitioner “are defective and not a true reflection of the Forms 35 & 41 issued by the Honourable court” and are withdrawn. However, the letter does not address why the High Court of [ ] issued documents that were not “a true reflection” of forms issued by the court. Nor does the Petitioner address this issue on appeal.

The “correct” Decree Nisi of Dissolution of Marriage and Certificate of Decree Absolute that were submitted in response to the Director’s NOID were also found to be inauthentic because of certain discrepancies related to the signatures of the assistant chief registrar and the lack of records of the divorce in the [ ] High Court’s online filing system. The July 2022 letter purportedly from the assistant chief registrar states that before the use of the court’s electronic filing system in 2014, “the acronym WD or HD (Wife or Husband Divorce filing respectively) are used as suit for divorce matters” and the use of the acronym LD started in February 2014. We note, however, that the decrees submitted with the petition contain a suit number with the acronym “MD”, which does not conform to any standard format used by the court – either before or after the February 2014 commencement of the online filing system. Furthermore, the suit number on the decrees initially submitted with the petition ends in 2015, which would indicate the proceedings were initiated in 2015, and not in 2013 as the Petitioner claims. The newly issued “correct” decrees submitted in response to the Director’s NOID contain a different suit number, beginning with the acronym “HD” and ending with the year 2013. As stated above, the July 2022 letter does not explain how the original decrees were defective or why the court issued decrees with incorrect suit numbers and other basic information.<sup>2</sup> In this case, the Petitioner has not explained or resolved the significant discrepancies between the divorce decrees, which call into question the validity of the documents submitted to establish the divorce took place. Therefore, the documentation submitted on appeal does not establish that the marriage between the Petitioner and R-O- 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 her 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, she 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.

---

<sup>2</sup> We note that the original decrees are signed and dated [ ] 2015, and indicate the decree nisi became absolute on that date, which is less than 3 months after [ ] 2015, the date of the decree nisi. The corrected decrees contain a different date for the decree absolute – [ ] 2015.