U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 29810628

Date: JAN. 05, 2024

Appeal of Vermont Service Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Abused Spouse of U.S. Citizen or Lawful Permanent Resident)

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen. See section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii). Under the Violence Against Women Act (VAWA), an abused spouse may self-petition as an immediate relative rather than remain with or rely upon an abuser to secure immigration benefits.

The Director of the Vermont Service Center denied the VAWA petition, concluding that the Petitioner did not establish that she has a qualifying relationship as the spouse of a U.S. citizen and that she is eligible for immigrant classification under section 201(b)(2)(A)(i) of the Act, based on a qualifying relationship with a U.S. citizen. According to the Director, the Petitioner did not establish that the divorce decrees from the [redacted] in Nigeria purporting to terminate her prior marriage are valid. More specifically, the Director determined that the alleged signer of the divorce decrees had the authority to sign as the assistant chief registrar, however, the signatures on the divorce decrees did not match U.S. Citizenship and Immigration Services (USCIS)' authenticated signature examples for the same signer. In making this determination, the Director acknowledged the Petitioner's statement claiming that the divorce decrees were granted by the High Court, and that the lawyer who assisted the Petitioner and her ex-husband in obtaining the divorce confirmed the decrees were genuine. However, the Director explained the Petitioner had not submitted evidence to substantiate her statement. The matter is now before us on appeal. 8 C.F.R. § 103.3.

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.

On appeal, the Petitioner submits another statement asserting that she does not know who signs documents in the High Court, that she had been separated from her ex-husband for 11 years prior to traveling to the United States and that her ex-husband filed for the divorce. She further states that more documents would be submitted within 30 days, however, we did not receive additional filings.

Upon de novo review, we adopt and affirm the Director's decision. See Matter of Burbano, 20 I&N Dec. 872, 874 (BIA 1994); see also Giday v. INS, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); Chen v. INS, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case). The Petitioner's statement in the record below claiming that the decrees are valid and her statement on appeal asserting a lack of knowledge of who signs divorce decrees are not sufficient to establish by a preponderance of the evidence the validity of the divorce decrees. The Petitioner has not demonstrated she has a qualifying relationship as the spouse of a U.S. citizen and has therefore not established her eligibility for immigrant classification under the VAWA.

ORDER: The appeal is dismissed.