



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

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

In Re: 20009456

Date: FEB. 15, 2022

Motion on Administrative Appeals Decision

Form N-600, Application for a Certificate of Citizenship

The Applicant seeks a Certificate of Citizenship to reflect that she derived citizenship as an adopted child of a U.S. citizen under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The Director of the Norfolk, Virginia Field Office denied the Form N-600, concluding that the Applicant was not eligible to derive citizenship as an adopted child, because a Nigerian court nullified her adoption from its inception based on fraud and misrepresentation, and we dismissed the appeal on the same grounds. The Applicant then filed a motion to reopen the proceedings claiming that the adoption annulment decree was not genuine. We dismissed the motion, finding the evidence the Applicant submitted in support of this claim insufficient to resolve the inconsistencies in the record and to establish that her adoption remained valid under Nigerian law.

The matter is now before us on a combined motion to reopen and reconsider. The Applicant submits additional evidence and asserts that our previous decision was in error and that she had demonstrated that the adoption annulment order was fraudulently obtained by her adoptive U.S. citizen father.

Upon review, we will dismiss the instant motion to reopen and reconsider.

**I. LAW**

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must establish that our decision was based on an incorrect application of the law or U.S. Citizenship and Immigration Services (USCIS) policy and that the decision was incorrect based on the evidence in the record as the time of the initial decision. 8 C.F.R. § 103.5(a)(3). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

As previously discussed, the term “adopted” for the purposes of derivative citizenship under section 320 of the Act means adopted pursuant to a full, final and complete adoption. 8 C.F.R. § 320.1. The Applicant bears the burden of proof to establish her claim to U.S. citizenship by a preponderance of credible evidence. *Matter of Baires-Larios*, 24 I&N Dec. 467, 468 (BIA 2008). Doubt cast on any aspect of an applicant’s proof may lead to reevaluation of the reliability and sufficiency of the

remaining evidence offered in support of the benefit request, and the applicant must resolve inconsistencies in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

## II. ANALYSIS

The Applicant, who claims to have been born in 1999 was adopted in [ ] Nigeria in 2001. The Applicant's adoptive father naturalized as a U.S. citizen in 2007, and in 2011 the Applicant was admitted to the United States for permanent residence as his child. The Applicant subsequently filed a request for a Certificate of Citizenship claiming derivative citizenship through her adoptive father. However, the record includes a certified 2017 order from the family court in [ ] Magisterial District (family court) annulling the adoption from the date of its inception with a finding that the adoption was based on misrepresentation of facts and fraudulent acts by the Applicant's biological mother, who falsely claimed that the Applicant's father had died.

In our previous decision, which we incorporate here by reference, we acknowledged the Applicant's claims that her adoptive father obtained the adoption annulment order by fraud. We explained, however, that in view of the conflicting evidence concerning the Applicant's date of birth and her father's death the allegations of fraud by the adoptive father and the additional, unauthenticated documents she submitted were not sufficient to establish that her adoption remained valid under Nigerian law and that she had the requisite parent-child relationship to derive U.S. citizenship from her adoptive father.

In reaching this conclusion we acknowledged the statement, allegedly from the adoptive father's attorney, indicating that he did not appear in court to represent the father in the 2017 adoption annulment proceedings, but found this statement insufficient to establish that the annulment was invalid, as the attorney confirmed that the adoptive father did instruct him to petition the court to annul the adoption. We also recognized the submission of a letter, purportedly from the [ ] state government, indicating that they had no records of the adoption annulment originating from the investigation by the Ministry of Youth and Social Development, but determined that the evidence did not show that the letter was issued by an authorized Nigerian government official, or that it would otherwise be sufficient to establish that the annulment was obtained by fraud and was invalid under Nigerian law, as the Applicant claimed.

The Applicant now submits additional evidence, which includes her personal statement, a photocopy of an identification document she claims belongs to her adoptive father's attorney, printouts from the [ ] state judiciary website, her father's death certificate, and affidavits from her mother, teacher, and a friend.

We have reviewed this supplemental evidence and conclude that it does not establish new facts sufficient to reopen these proceedings and reexamine our previous determination that the Applicant did not meet her burden of proof to show eligibility for derivative citizenship as an adopted child. Nor does it show that we erred as a matter of law or policy in making this determination and that it warrants reconsideration.

In her personal declaration, the Applicant explains that after she and her sibling had been residing in the United States with their adoptive father for a number of years, her mother came to visit and realized that the adoptive father was mistreating them. She states that this led to a confrontation between her mother and her adoptive father (who is her mother's brother), after which the adoptive father threw them out of the house and went to Nigeria to get the adoption annulled. The Applicant claims that her adoptive father then created a fraudulent adoption annulment order and submitted it to USCIS to have her and her sibling removed from the United States. The Applicant's mother makes similar claims in her affidavit, adding that the adoptive father forged the Applicant's birth certificate to obtain the annulment, and that the "fake court order has been investigated by a very well respected law firm in Nigeria . . . and confirmed to be truly fake," as indicated in a letter from the [ ] state judiciary that the annulment order did not emanate from any court in [ ] state and was not genuine. However, we previously addressed these claims, explaining that even if proven authentic the letter from the [ ] state judiciary was insufficient to establish that the Applicant's adoption remained in force absent confirmation from the family court which initially granted the adoption that the adoption was not in fact annulled by that court. As both the Applicant and her mother do not dispute that the adoptive father traveled to Nigeria and petitioned the family court to set the adoption aside, and the record contains the adoption annulment decree, their statements concerning the adoptive father's possible motive for annulling the adoption are insufficient to establish that the annulment decree is not genuine.

The Applicant asserts that the birth certificate she previously submitted establishes that she was in fact born in 1999. She states that we improperly relied on the 1997 birth certificate submitted by her adoptive father in adoption annulment proceedings; she avers that the inconsistencies in her birth year could just as easily be construed against her adoptive father, and that the 1997 birth certificate provided by her adoptive father should not be given any more weight than the 1999 birth certificate she provided. The Applicant also submits a copy of her father's death certificate to show that he died in 1999, and to disprove the family court's finding that her adoption was based on fraud.

We acknowledge the Applicant's assertions, and recognize that fraudulent documents can be easily obtained in Nigeria. *See* U.S. Department of State, *Reciprocity Schedule, Federal Republic of Nigeria*, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Nigeria.html> (providing, in part that rules and regulations regarding the maintenance of public records and the issuance of certificates in Nigeria are often ignored, civil documents generally lack credibility, civil document registrars have been known to issue documents with false information and to certify false documents issued by other registrars, and Nigerian courts may verify a document as genuine, even if there are no records). Nevertheless, it is the Applicant's burden to establish that her adoption remains valid under Nigerian law notwithstanding the evidence to the contrary and, as previously discussed any doubts concerning the Applicant's U.S. citizenship claim must be resolved in favor of the United States.

The two affidavits concerning her date of birth the Applicant submits on motion are insufficient to establish that her 1999 birth certificate, and not her 1997 birth certificate (which appears to have been issued in [ ] 1997) is genuine. The first affiant, who claims to have been the Applicant's childhood friend living at the same compound in Nigeria prior to 2011 states that he was born in 1997 "as told to [him] by [his] mother," and that the Applicant "was about 2 years younger." He does not explain, however, when and how he became aware of the Applicant's age or her exact date of birth he confirms in his affidavit to be true. The second affidavit is from an individual who claims to have been a "very

close family associate” and the Applicant’s Quranic teacher before she emigrated to the United States. The affiant states that “being [the Applicant’s] Quranic teacher” he knows for a fact that she was born in 1999. He does not explain, however, how specifically he acquired personal knowledge of the Applicant’s date of birth. As neither affiant provides details about the extent of their relationship with the Applicant that may point to their personal knowledge of her exact date of birth, we cannot give their statements significant weight in establishing that the Applicant was born in 1999. Moreover, the Applicant has not provided any contemporaneous evidence, such as her school, medical or other records to support her claim that she was born in 1999. Lastly, even if the Applicant were able to establish that she was born in 1999 (which, she did not), this alone would be insufficient to prove that the 2017 family court order annulling her adoption is not valid.

The Applicant next claims that we erred by not giving proper weight to the statement from her adoptive father’s attorney that contrary to the information in the annulment order he was not present in court to argue for the annulment. She submits a photocopy of a driver’s license as evidence that the statement was in fact executed by that attorney. We note, however, that the photograph and the name on the driver’s license are not legible. Furthermore, as previously discussed the attorney confirmed that he was instructed by the adoptive father to seek annulment, and the record contains the attorney’s sworn deposition on oath along with the documents he submitted to the family court in support of the adoption annulment. More importantly, while the attorney’s statement implies that the annulment order may not reflect accurate information concerning his presence in court, it does not establish that the annulment order is not genuine or not valid.

Lastly, we acknowledge the statement from the Applicant’s mother that the “fake court order has been investigated by a very well respected law firm in Nigeria . . . and confirmed to be truly fake,” as well as the letter from that law firm in support of the instant motion. In the letter, one of the attorneys from the law firm summarizes the documents the Applicant previously provided to establish that the 2017 adoption annulment order was not genuine. We have addressed those documents in our previous decision, acknowledging that if proven authentic they would raise questions about the validity of the annulment order. However, we concluded that they were not sufficient to establish that the order was invalid in view of the evidence that was consistent with the factual misrepresentations regarding the Applicant’s date of birth and the death of her biological father described therein.

### III. CONCLUSION

We previously considered the evidence the Applicant submitted to undermine the allegations of fraud underlying her adoption, as well as her claims that the family court’s order rescinding her adoption, was not genuine. We concluded that she did not meet her burden of proof to resolve the conflicting information in the record and to establish that she qualified as an adopted child of a U.S. citizen for derivative citizenship purposes. The additional evidence the Applicant submits on motion does not establish new facts that would warrant a different conclusion. The Applicant also has not demonstrated that we erred as a matter of law or USCIS policy in finding the preponderance of the evidence in the record at the time of our previous decision insufficient to show that her adoption remained valid under Nigerian law.

Consequently, the Applicant has not established a basis for reopening on these proceedings and for reconsideration of our previous determination that she did not meet her burden of proof to demonstrate eligibility to derive citizenship under section 320 of the Act as an adopted child of a U.S. citizen.

**ORDER:** The motion to reopen is dismissed.

**FURTHER ORDER:** The motion to reconsider is dismissed.