



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

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

In Re: 29628676

Date: DEC. 21, 2023

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 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 denied the petition, concluding that the record did not establish that the Petitioner was in a qualifying relationship with a United States citizen or lawful permanent resident. 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.

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).

The Petitioner married M-T-¹, a United States citizen, in [] 2018. She filed the instant Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA petition) based upon this marriage in August 2019. After reviewing the initial evidence, the Director informed the Petitioner via a request for evidence (RFE) that the evidence provided to establish the termination of her prior marriage to I-F-O- was insufficient. Specifically, the Director noted that the signature and stamp of the Assistant Chief Registrar in [] Nigeria, did not match exemplars on file with U.S. Citizenship and Immigration Services (USCIS), which had been verified by USCIS as genuine. The Director further noted issues with the format of the Suit Number, and the timeline in which the Petitioner appeared to have started the divorce process. The Director recounted in the timeline that the Petitioner

¹ We use initials to protect the identity of individuals.

and her prior spouse applied for nonimmigrant visas for themselves and their children together in March 2016, and that the Decree Nisi of Dissolution of Marriage was entered on the same day that her prior spouse had entered the United States in [redacted] 2016. The Director noted that the Certificate of Decree Absolute was then purportedly entered in [redacted] 2016, after which the Petitioner and her children entered the United States in November 2016. The Director reviewed the Petitioner's statements that she had intended to travel to the United States with I-F-O-, but she was delayed and that "after a while" they were having marital issues, so they divorced.

In response to the RFE, the Petitioner submitted updated copies of the Decree Nisi and Decree Absolute, bearing a different signature and stamp of the Assistant Chief Registrar, a letter purportedly written by the Assistant Chief Registrar regarding a "confirmation of divorce certificate," and a supplemental affidavit. In the Director's decision, she acknowledged the Petitioner's explanation regarding the Suit Number stating the year 2014 was because the Petitioner claimed to have initiated the divorce proceedings in 2014. The Director explained that in the letter from the Assistant Chief Registrar it was stated that the prior Decree Nisi and Decree absolute were withdrawn and then corrected and that the prior divorce documents submitted were inconsistent, the Director explained that this indicated that the initial divorce documents submitted by the Petitioner were fraudulent. The Director further concluded that the newly submitted Decree Nisi and Decree Absolute indicated that they were signed and stamped by the Assistant Chief Registrar, these signatures and stamps again differed from exemplars confirmed as genuine by USCIS. Finally, the Director stated that a search of the [redacted] yielded no results for the Suit Number or names of the individuals provided on the divorce documents. As a result, the Director concluded that the Petitioner had not provided sufficient documentation to establish her divorce from I-F-O-, and subsequently she had not established a qualifying relationship with M-T-.

On appeal, the Petitioner submits a brief, copies of news articles, and copies of evidence previously included in the record. In her brief, the Petitioner contends that the Director ignored portions of the letter purportedly signed by the Assistant Chief Registrar, which claimed that "the suit number of this matter was updated and revised along with other matters that were discovered to have been breached when the records and facilities of this Honourable Court were destroyed and records hacked" during a national protest. The letter purportedly from the Assistant Chief Registrar continued that the online case search "has had problem since then" and that their "online records are still being updated." The Petitioner claims that the Director "cherry-picked" information to rely upon in the denial of her VAWA petition, as the letter from the Assistant Chief Registrar indicated that the prior documents were "withdrawn while the corrected copy issued." The Petitioner claims that the letter from the Assistant Chief Registrar explained why they were withdrawn and why the case could not be located in the [redacted] public website; however, our review of the letter does not adequately explain how a national protest in 2020 resulted in the Petitioner obtaining and submitting the initial divorce documents with her VAWA petition in August 2019, prior to the claimed national protest.

Further, the Petitioner asserts that the Assistant Chief Registrar explained that their records were hacked and thus their online systems are not reliable and have not been updated since the national protest in 2020. In support, the Petitioner submits multiple news articles which discussed the fallout from this national protest. In our review of the articles, there is mention of the [redacted] [redacted] being "razed" and that many "case files were burnt in the fire, while others were carted away." None of the articles provided by the Petitioner indicate that digital records had been "hacked"

as claimed by the Assistant Chief Registrar. The articles also do not provide a connection as to how the national protest in 2020 related to the initial divorce documents submitted by the Petitioner in August 2019 with her VAWA petition.

Finally, in our review of the Petitioner's statements in response to the RFE, and the information in her brief on appeal, she has not acknowledged or addressed the Director's conclusions that the signatures and stamps of the Assistant Chief Registrar on both sets of the divorce documents did not match the exemplars obtained by USCIS, nor does she provide an explanation as to how she obtained the initial divorce documents. As a result, we determine that she has not established, by a preponderance of the evidence, that her prior marriage to I-F-O- was legally terminated, and as such she has not established that she was in a qualifying relationship with M-T-.

The Director also denied the VAWA petition on other grounds, concluding that the Petitioner had not established that she had entered into the relationship with M-T- in good faith. We need not reach, and therefore reserve, the Petitioner's arguments on appeal regarding the good faith marriage requirement. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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.