

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 had a qualifying spousal relationship with a U.S. citizen, was eligible for immigrant classification based on such a relationship, was battered or subjected to extreme cruelty by his spouse, entered into marriage with his spouse in good faith, and was a person of good moral character. The matter is now before us on appeal pursuant to 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.

I. LAW

A petitioner who is the spouse of a U.S. citizen may self-petition for immigrant classification if the petitioner married the U.S. citizen spouse in good faith, is eligible for immigrant classification based on the relationship, resided with the spouse, was subjected to battery or extreme cruelty by the spouse, and is a person of good moral character. Section 204(a)(1)(A)(iii) of the Act.

Primary evidence of a marital relationship is a marriage certificate issued by civil authorities, and proof of the termination of all prior marriages, if any, of the petitioner. 8 C.F.R. § 204.2(c)(2)(ii).

II. ANALYSIS

A. Qualifying Relationship and Eligibility for Immigrant Classification

To document the termination of his prior marriage, the Petitioner submitted a *Decree Nisi of Dissolution of Marriage* and a *Certificate of Decree Absolute* issued by the High Court of Lagos State, Nigeria in 2017. The Director determined the Petitioner's divorce documents were insufficient because contrary to the Nigeria Matrimonial Causes Act of 1970, they were issued under Order XIX rather than Order XII, no ground was listed for the irretrievable breakdown of the marriage, and the *Decree Nisi* listed two grounds for which Nigerian law does not grant a dissolution of marriage. The Director concluded the Petitioner's divorce documents were insufficient to show his prior marriage had been terminated and he was free to marry his claimed U.S. citizen spouse. The Director also

determined the Petitioner had not established that he was eligible for immigrant classification based on his marriage to a U.S. citizen.

On appeal, the Petitioner submits a new *Decree Nisi of Dissolution of Marriage* and a new *Certificate of Decree Absolute* issued by the High Court of Lagos State in [] 2024, letters from an attorney the Petitioner retained in Nigeria to verify his divorce, and a letter from the Assistant Chief Registrar of the High Court of Lagos State, []. In his letter, Mr. [] states the Petitioner's prior documents contained clerical errors stating they were issued under Order XIX, and the marriage had broken down due to "irreconcilable differences and abandonment." Mr. [] explains the errors were corrected and the Petitioner's *Decree Nisi of Dissolution of Marriage* and *Certificate of Decree Absolute* have been reissued. Mr. [] further explains that the basis for the irretrievable breakdown of the marriage was that the Petitioner behaved in a way his former wife could not reasonably be expected to live with him, as stated in paragraph two of the *Decree Nisi of Dissolution of Marriage*. Mr. [] further affirms that the seal of the court, signature and stamp of the Assistant Chief Registrar on the documents are genuine.

Although the reissued documents address the inconsistencies the Director identified, the record remains insufficient to establish the validity of the Petitioner's divorce. The Petitioner's original and reissued *Decree Nisi of Dissolution of Marriage* and *Certificate of Decree Absolute* all close with the title "Assistant Chief Registrar (Litigation)" and are stamped [] with a handwritten signature over the stamp. The United States Consulate in Lagos, Nigeria informed United States Citizenship and Immigration Services (USCIS) that Mr. [] has been the Assistant Chief Registrar with the High Court of Lagos State, Nigeria since 2015. USCIS obtained exemplars of Mr. [] genuine stamps and signature used during his tenure. The signature on the Petitioner's original and reissued *Decree Nisi of Dissolution of Marriage* and *Certificate of Decree Absolute* do not resemble the signature on the exemplars.

In addition, in 2022 the Acting Chief Registrar of the High Court of Lagos State contacted USCIS and told the agency to disregard any letter from anyone representing the Lagos State Judiciary and only rely on letters from the Chief Registrar of the High Court of Lagos State. In 2022, the Chief Registrar's Office of the High Court of Lagos State also contacted the Department of State and confirmed that letters of verification from the High Court of Lagos State should only be signed by the Chief Registrar or as directed by the Honorable Chief Judge. Accordingly, the letter from Mr. [] Assistant Chief Registrar, is not sufficient to establish the validity of the Petitioner's divorce.

The Petitioner's original and reissued divorce documents contain signatures that do not resemble exemplars of the signature of Assistant Chief Registrar of the High Court of Lagos State obtained by USCIS and the letter from the High Court of Lagos State was written by the Assistant Chief Registrar, not the Chief Registrar. Consequently, the Petitioner has not submitted sufficient evidence of the legal termination of his prior marriage and has not established a qualifying spousal relationship with his claimed U.S. citizen spouse. The Petitioner is consequently ineligible for immigrant classification based on such a relationship.

B. Remaining Grounds

The Petitioner has not established a qualifying relationship with his U.S. citizen spouse and his corresponding eligibility for immigrant classification. As these issues are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of whether he was battered or subjected to extreme cruelty by his spouse, he entered their marriage in good faith, and he is a person of good moral character. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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).

III. CONCLUSION

The Petitioner has not established he had a qualifying relationship with his U.S. citizen spouse and is eligible for immigrant classification based on such a relationship. He is consequently ineligible for immigrant classification under section 204(a)(1)(A)(iii) of the Act and the appeal will be dismissed.

ORDER: The appeal is dismissed.