

Marriage, Divorce & Death Certificates for Immigration

Prove every prior marriage ended · By Attorney Joseph F. Botelho

WHY THIS MATTERS

A marriage is valid for immigration only if **every earlier marriage of both spouses** ended first. The proof is one of 3 things: a **final divorce decree**, an **annulment**, or a **death certificate**. If one earlier marriage never legally ended, the new marriage may not be valid and a petition based on it can be denied.

HAVE THESE READY

- ☐ A list of EVERY marriage for both spouses: names, dates, city, state or country
- ☐ Certified copy of your current marriage certificate (civil record, not only a church certificate)
- ☐ For each earlier marriage: certified final divorce judgment, annulment order, or death certificate
- ☐ Massachusetts divorces: proof it became ABSOLUTE, not just the judgment nisi
- ☐ Docket (case) numbers for any divorce or annulment
- ☐ Certified English translation of every page not in English

ORDER FROM THE RIGHT PLACE

- 1 Marriage certificate:** city or town clerk, or the state vital records office where the marriage was recorded.
- 2 Death certificate:** vital records where the person died. Massachusetts RVRS: \$20 in person, \$32 mail, \$42 expedited, \$54 online (VitalChek).
- 3 Divorce or annulment:** the **court** that granted it. Massachusetts: Probate and Family Court in that county, Request for Copies form (PFC 18), docket number.
- 4 Massachusetts fees:** certificate of divorce absolute \$20; certified judgment \$20. Pay by money order or bank/attorney check.
- 5 Other state:** the court in that state that granted the divorce. **Other country:** check the State Department Reciprocity Table.

MASSACHUSETTS: WHEN IS A DIVORCE FINAL?

Judgment of divorce nisi	"Nisi" means not yet final. You are still married.
1B or contested divorce	Becomes absolute 90 days after the judgment.
Uncontested 1A divorce	Becomes final 120 days after the judgment.
Nothing to file	It becomes final automatically, but the court does not mail you a final decree. Order the certificate of divorce absolute.

WARNING

- **Remarried before a divorce was absolute, or a divorce was never finished?** A later marriage may not be valid. Talk to an attorney before you file anything.
- **Divorced abroad while living in the U.S.?** Massachusetts may not recognize that divorce. Have it reviewed first.
- A **separation agreement** or legal separation is **not** a divorce.
- **Start early.** Old, out-of-state, and foreign court files can take weeks or months to get.

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SAMPLE: WHAT A GOOD DIVORCE JUDGMENT SHOWS

The sample form is a 'JUDGMENT OF DIVORCE' from a '[STATE] TRIAL COURT (COUNTY) FAMILY COURT DEPARTMENT'. It includes a docket number 'XXXX-DRXXXXX'. The parties are 'SPOUSE, SAMPLE A' (Plaintiff) and 'SPOUSE, SAMPLE B' (Defendant). The judgment states that a divorce from the bond of matrimony is granted to the parties, who were married on MM/DD/YYYY at [CITY], [STATE], for the cause of irretrievable breakdown of the marriage. It includes a 'DATES' section with 'JUDGMENT ENTERED (NISI) MM/DD/YYYY' and 'JUDGMENT BECAME FINAL (ABSOLUTE) MM/DD/YYYY'. There is a signature line for '[NAME], Justice of the Family Court' and a 'A TRUE COPY. ATTEST:' section with a signature line for '[NAME], Register / Clerk' and a date 'Date certified: MM/DD/YYYY'. A circular 'COURT SEAL' is also present. At the bottom, it says 'Order the certified copy from the court that granted the divorce. FICTIONAL SAMPLE — names, dates, and numbers are placeholders.'

- 1 **The court that granted it**
Order your certified copy from this court.
- 2 **Docket (case) number**
You need it to request copies.
- 3 **Both spouses' names**
Should match your other documents.
- 4 **Date the judgment entered**
In Massachusetts this starts the nisi period.
- 5 **Date it became final (absolute)**
Proof the divorce ended before any remarriage.
- 6 **Clerk's attestation + court seal**
What makes it a certified copy.

Fictional sample. All names, dates, and numbers are placeholders. Court formats differ by state and country.

COMMON MISTAKES

- ✗ Forgetting earlier marriages
- ✗ Forgetting the other spouse's earlier marriages
- ✗ Sending a judgment of divorce nisi with no proof it became absolute
- ✗ Sending a separation agreement instead of the divorce judgment
- ✗ Sending a church certificate without the civil record
- ✗ Sending a foreign divorce without checking whether it is recognized here
- ✗ Missing certified translations

CAN'T FIND AN OLD DIVORCE?

- 1 **Find the court.** Where did you live when the divorce was filed? Massachusetts: search MassCourts or call any Probate and Family Court with the names, case type, and city or town.
- 2 **Get the docket number,** then order the certified copy with the Request for Copies form.
- 3 **Very old file?** Ask the clerk about the court archives and how to request the file.
- 4 **Not found?** Ask for a certified letter that no record was found, and talk to an attorney before filing.
- 5 **Never finalized?** If the case was dismissed or never filed, you may still be married to the first spouse. It can usually be fixed, often by finishing the divorce and remarrying. Get legal advice first.

Foreign divorce? It must be valid in the country that granted it (Brazil: only after Superior Court recognition) and may also need to be recognized in the U.S. state where you remarried. **Notario warning:** a notary public is not a lawyer. Only a licensed attorney or DOJ-accredited representative may give immigration legal advice.

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