



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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**DUSTIN DUANE OHMAN
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Name: OHMAN, JUDEN LINGO

A 098-450-301

Date of this Notice: 02/20/2026

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Juden Lingo OHMAN, A098-450-301

Beneficiary

Dustin Duane Ohman, Petitioner

FILED

Feb 20, 2026

ON BEHALF OF PETITIONER: Pro se

ON BEHALF OF DHS: Jason E. Raphael, Associate Counsel

IN VISA PETITION REVOCATION PROCEEDINGS
On Appeal from a Decision of the Department of Homeland Security, Mesquite, TX

Before: Montante, Appellate Immigration Judge

MONTANTE, Appellate Immigration Judge

The petitioner appeals the Field Office Director's ("Director") November 21, 2019, decision that revoked the previously-approved visa petition. Both parties filed briefs before the Board.¹ The appeal will be dismissed.

We review all questions arising in appeals from decisions issued by officers of the U.S. Citizenship and Immigration Services ("USCIS") de novo. 8 C.F.R. § 1003.1(d)(3)(iii).

In revoking the current visa petition, the Director concluded that its approval is barred by section 204(c) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1154(c). Under section 204(c)(2) of the INA, 8 U.S.C. § 1154(c)(2), a visa petition will be denied (or revoked) if "the beneficiary previously attempted or conspired to enter into a fraudulent marriage." *Matter of R.I. Ortega*, 28 I&N Dec. 9, 11 (BIA 2020). Such a determination must be supported by substantial and probative evidence that is documented in the alien's file. *See Matter of P. Singh*, 27 I&N Dec. 598 (BIA 2019) (discussing the standard of proof necessary to bar the approval of a visa petition under section 204(c) of the INA, 8 U.S.C. § 1154(c), and addressing the type and extent of evidence necessary in determining that standard). Where there is evidence that the beneficiary has been an active participant in a marriage fraud conspiracy, the burden shifts to the petitioner to establish that the beneficiary did not seek an immigration benefit based on a prior fraudulent marriage. *Matter of Kahy*, 19 I&N Dec. 803, 806-07 (BIA 1988).

We affirm the decision of the Director, that section 204(c)(2) of the INA, 8 U.S.C. §

¹ To resolve any issues of timeliness, we will accept the parties' briefs pursuant to our discretionary authority under 8 C.F.R. § 1003.3(c)(2).

1154(c)(2), bars approval of the visa petition. Here, the record includes a sworn statement from the beneficiary when she personally appeared for an interview at the United States Consulate in Manila in relation to an approved Petition for Alien Fiancé(e) (Form I-129F) filed on her behalf by her then-fiancé. During that 2005 interview the beneficiary admitted, among other things, that she met her former fiancé in the Philippines, and that their relationship was solely for immigration purposes. The record also includes a photograph of the beneficiary together with her former fiancé, that was submitted in support of the Form I-129F. *cf Matter of Christo's, Inc.*, 26 I&N Dec. 537, 541 n4 (AAO 2015) (declining to apply the marriage fraud bar where the beneficiary never met or married the petitioner and first realized he was the subject of a marriage-based immigrant visa when he appeared for an interview with USCIS and was asked about the purported marriage).

The petitioner's argument on appeal that section 204(c) of the INA, 8 U.S.C. § 1154(c), does not apply with respect to the nonimmigrant Form I-129F visa petition, is foreclosed by our decision in *Matter of R.I. Ortega*. In that case we held that "[u]nder the plain language of the statute, an alien who has conspired to enter into a marriage for the purpose of evading the immigration laws by seeking to secure a K-1 fiancé(e) nonimmigrant visa is subject to the bar under section 204(c)(2) of the [INA]", 8 U.S.C. § 1154(c)(2). *Matter of R.I. Ortega*, 28 I&N Dec. at 14. Under the circumstances of this case, the Director had good and sufficient cause to revoke the approval of the visa petition because its approval is barred under section 204(c)(2) of the INA, 8 U.S.C. § 1154(c)(2).

The petitioner proffers additional evidence on appeal. Where, as here, a petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency, this Board will not accept evidence offered for the first time on appeal. *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988); *see also Matter of Obaigbena*, 19 I&N Dec. 533, 537 (BIA 1988).

Accordingly, the following order shall be entered.

ORDER: The appeal is dismissed.