Talaq Divorce Cases in the United States

Over the past several months, three state appellate courts in the United States have examined whether a "talaq" divorce obtained in another country is entitled to recognition as a matter of comity. In this post, I first survey the rules relating to the recognition of foreign divorce judgments in the United States. I then explain the concept of a talaq divorce. Finally, I discuss the cases.

Foreign Divorce Judgments

U.S. courts are often asked to recognize divorce judgments rendered by courts in other countries. While the rules relating to foreign *money* judgments are set forth in the Uniform Foreign-Country Money Judgments Recognition Act, there is no uniform act that addresses when a U.S. court must recognize a foreign *divorce* judgment.

In the absence of statutory guidance, U.S. courts apply common law principles of comity to determine whether a foreign divorce judgment should be given effect. These principles were famously expounded by the U.S. Supreme Court in *Hilton v. Guyot* (1895), where the Court held that a foreign judgment should be recognized when:

> *there has been opportunity for a full and fair trial abroad before a court of competent jurisdiction, conducting the trial upon regular proceedings, after due citation or voluntary appearance of the defendant, and under a system of jurisprudence likely to secure an impartial administration of justice between the citizens of its own country and those of other countries, and there is nothing to show either prejudice in the court, or in the system of laws under which it is sitting, or fraud in procuring the judgment.*

The *Hilton* Court also observed that a foreign judgment need not be recognized when contrary to the public policy of the enforcing state:

> *A judgment affecting the status of persons, such as a decree confirming or*

> *dissolving a marriage, is recognized as valid in every country unless contrary to the policy of its own law (emphasis added).*

With these principles in mind, let us now turn to the type of divorce here at issue—a talaq divorce.

Talaq

Talaq is an Islamic form of divorce. It has been described by one U.S. court as follows:

> *Under Islamic law, a husband has the right to initiate a divorce ("talaq") against his wife. All that is required to achieve talaq is for a husband to pronounce his intent to divorce his wife on three separate occasions, either verbally or in writing. The husband does not need to communicate his three pronouncements to his wife. She need not be present for them or even aware of them. A wife cannot object to a talaq.*

In 2008, the Maryland Supreme Court was asked to recognize a talaq divorce in *Aleem v. Aleem*. In that case, the husband—a Muslim and a national of Pakistan—went to the Pakistan Embassy in Washington, D.C., and executed a written document stating three times that he was divorcing his wife. He argued that this act was sufficient to effectuate a divorce under the law of Pakistan even though he and his wife were residents of Maryland.

The Maryland Supreme Court held that, even if the talaq divorce was valid as a matter of Pakistani law, it was not entitled to recognition in Maryland because (1) it provided no due process protection for the wife; (2) only the husband (not the wife) had a right to invoke this process; and (3) the wife was not entitled to an equitable share of the marital property. On these facts, the Maryland Supreme Court held that recognizing such a divorce would be contrary to Maryland public policy.

The *Aleem* decision has cast a long shadow. It is cited by each of the more recent cases, to which we now turn.

Adewale v. Adewale

On June 22, 2026, the Pennsylvania Superior Court discussed a talaq divorce in *Adewale v. Adewale*. In that case, a man and woman were civilly married in Lagos, Nigeria, in 2011, and subsequently moved to the United States. In 2020, the man filed for divorce in Pennsylvania. After the woman sought alimony, the court ordered the man to pay her a set sum of money each month.

In the course of the divorce proceedings, the man became aware that his putative wife may have been married to another person at the time of their "marriage." Over the course of several years of evidentiary hearings, he discovered that she had, in fact, married someone else in 2001. The woman's legal husband testified that the 2001 marriage had occurred and submitted a wedding certificate and photographs as proof. In light of this evidence, the trial court concluded that the parties' marriage was void *ab initio* and terminated the man's alimony obligations.

On appeal, the woman argued, among other things, that her 2001 marriage had been terminated by a talaq divorce in 2006, thereby paving the way for the court to conclude that the 2011 marriage was valid. The Pennsylvania Superior Court rejected this argument. Even if her husband had, in fact, repeated "I divorce you" three times in front of witnesses in 2006, the court held, this act was of no legal consequence because talaq could "only be valid if uttered by a Muslim husband." Since the husband had converted to Christianity in 1980, the court reasoned, he did not identify as Muslim and could not divorce his wife in this manner. The court also observed (citing *Aleem*) that other "U.S. states have declined to recognize talaq as a valid unilateral method of divorce on the grounds that it violates the right to due process, equal protection, and fundamental fairness." It ultimately affirmed the trial court's judgment and held that the parties' 2011 marriage was void from the beginning.

Ali v. Osman

On August 6, 2026, the North Dakota Supreme Court addressed the issue of talaq in its opinion in *Ali v. Osman*. The couple in that case were married in Sudan in 2001 and moved to the United States soon afterwards. In 2024, the wife filed for divorce in North Dakota. The husband moved to dismiss the action for lack of subject-matter jurisdiction on the grounds that he had, unbeknownst to his wife, obtained a talaq divorce when he was traveling in Sudan in 2022, as evidenced by

an official certificate.

The question presented was whether this divorce was entitled to recognition in North Dakota. The trial court held that it was not. It noted that neither the husband nor the wife was a resident of Sudan when the husband obtained the talaq divorce. It pointed out that the wife was given no notice that the husband was seeking a talaq divorce and did not learn of it until after it had occurred. It concluded that these proceedings had failed to provide the most "basic rudiments" of due process to the wife.

This decision was affirmed by the North Dakota Supreme Court, which observed (citing *Aleem*) that a number of other U.S. courts had declined to recognize talaq divorces in similar situations. It held that the trial court had not "abused its discretion by declining to recognize the Sudanese divorce certificate as a matter of comity."

Azhar v. Choudhri

On September 25, 2026, the Texas Supreme Court declined to recognize a talaq divorce in *Azhar v. Choudhri*. In this case, the husband had lived in Houston, Texas, since he was a child. In 2008, he traveled to Pakistan and married a Pakistani woman. The wife moved to Houston to join her husband in 2010. In 2012, the husband sent his wife back to Pakistan under the guise of renewing her visa. He subsequently obtained a talaq divorce against her, in Pakistan, in 2013, without her knowledge:

> *According to Wife, Husband did not inform Wife before or afterwards that they would be divorced. No one notified Wife of the proceedings or served her with process. Instead, Husband purported to effectuate service by publishing a notice in a small local Pakistani newspaper a mere five days in advance. Wife did not happen to come across that publication.*

The wife did not learn of the talaq divorce until 2015.

In that year, the wife filed for divorce in Texas, seeking an equitable division of the substantial marital estate. The husband moved to dismiss on the grounds that the couple was already divorced under Pakistani law and that, accordingly, there was no marriage to dissolve. The trial court held that the Pakistani talaq divorce

judgment was entitled to recognition and rendered a take-nothing judgment against the wife. This decision was affirmed by the Court of Appeals of Texas.

The Texas Supreme Court reversed. It concluded that the talaq divorce was not entitled to recognition because the wife was never provided with notice "reasonably calculated to apprise her of the action." The notice provided was, in the court's view, so far short of what Texas law required that the divorce judgment was not entitled to recognition. Although the court acknowledged that the husband had published a notice in a Pakistani newspaper five days before he initiated the talaq divorce, it viewed this as insufficient:

> *[W]e have cautioned that citation by publication or posting violates due process when the address of a known defendant is readily ascertainable . . . This record forecloses the conclusion that Husband really wanted to find Wife and notify her of the divorce proceeding. Husband put on no evidence that the typical channels of spousal communication—telephone, text messages, email, social media messaging, in-person communication, mutual friends, and so on—were unavailable. Under these circumstances, the trial court should have heeded the default rule that when a defendant's identity is known, service by publication is generally inadequate.*

In light of these issues with respect to notice, the Texas Supreme Court unanimously reversed and remanded the case.