



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 12138162

Date: APR. 20, 2021

Appeal of a California Service Center Decision

Form I-129F, Petition for Alien Fiancé(e)

The Petitioner, a U.S. citizen, seeks the Beneficiary's admission to the United States under the fiancé(e) visa classification. See Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i) (the "K-1" visa classification). A U.S. citizen may petition to bring a fiancé to the United States in K-1 status for marriage. The petitioner must establish, among other things, that the parties have previously met within two years before the date of filing the petition, have a bona fide intention to marry, and are willing and legally able to conclude a valid marriage in the United States within 90 days of the fiancée's admission. Section 214(d)(1) of the Act.

The Director of the California Service Center denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the Petitioner had not provided the required passport-style photograph of herself as mandated by the instructions to the Form I-129F. On appeal, the Petitioner submits the requisite photograph and contends that it was in fact included in response to the request for evidence (RFE).

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence.<sup>1</sup> The Administrative Appeals Office (AAO) reviews the questions in this matter de novo.<sup>2</sup>

The Petitioner has submitted the required photograph of herself and has overcome the sole ground of the Director's decision. Therefore, we will remand the matter to the Director so that a determination can be made as to whether the remaining statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant have been met.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

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<sup>1</sup> Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

<sup>2</sup> See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).