



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 19330821

Date: DEC. 6, 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(e) 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 fiancé(e)'s admission. Section 214(d)(1) of the Act. In addition, original or photocopied documents which are required to support any benefit request must be submitted in accordance with the form instructions. 8 C.F.R. § 103.2(b)(4).

The Director of the California Service Center denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the Petitioner (1) did not establish the Beneficiary's intent to marry the Petitioner within 90 days of his admission into the United States as required under Section 214(d)(1) of the Act and (2) did not provide a copy of the Petitioner's actual divorce decree from her previous spouse.¹

On appeal, the Petitioner submits additional evidence, including a letter signed by the Beneficiary stating his intention to marry the Petitioner within 90 days of his arrival, that appears material to her claim. In addition, the Petitioner provides a photocopy of her divorce decree from her ex-spouse, which was previously requested in the Director's Request for Evidence. As such, we will remand the matter to the Director to consider this new evidence so that a determination can be made as to whether the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant have been met.

The Director may also wish to further explore whether the record actually demonstrates the parties met within the requisite two-year period. Absent the passport's biographical page, the passport pages containing only entry and exit stamps do not appear to establish that it was indeed the Petitioner who

¹ The instructions to Form I-129F, Petition for Alien Fiancé(e), state at page 10 that a petitioner must submit evidence that all previous marriages were legally terminated, which may include a divorce decree, annulment, or death certificate issued by a civil authority. At the time of the Director's decision, the record contained a translation of her divorce decree, but not a copy of the actual document.

traveled to and from Haiti. In addition, the hotel receipts, airline receipt, and photos do not appear to support the parties having met within the requisite time frame. Specifically, the hotel receipts do not include the address to establish the hotel is actually in Haiti or indicate whether the Beneficiary was also staying at the hotel; the airline receipt does not provide the name of the passenger or the year the flight occurred; and the photos are undated and do not establish when the parties actually met.

In sum, we will remand the matter to the Director to consider this new evidence in the first instance and to make a determination as to whether the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant have been met. The Director may also wish to review whether the record as currently constituted in fact establishes the parties met within the two-year period preceding the filing date of the petition. The Director may request any additional evidence considered pertinent to the new determination and any other issue, and we express no opinion regarding the ultimate resolution of this case on remand.

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