



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

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 17304973

Date: JUL. 30, 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 Director of the California Service Center denied the petition, concluding that the Petitioner did not submit page 13 of the Form I-129F. The matter is now before us on appeal.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence.¹ We review this matter *de novo*.² Upon *de novo* review, we will remand the petition for further action.

I. LAW

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if the petitioner establishes that the parties have previously met in person within two years before the date of filing the fiancé(e) petition, have a *bona fide* intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within 90 days of the beneficiary's arrival.

II. ANALYSIS

The Petitioner filed the instant fiancé(e) petition in March 2019.³ The Director issued a request for evidence (RFE), requesting, among other things, page 13 of the Form I-129F. In response, the Petitioner provided page 13, among other requested documents. The Director denied the petition, stating "[y]our I-129F petition is missing page 13 and; therefore, is incomplete. On October 22, 2019, you were sent a request for evidence (RFE) and notified that you were missing page 13 of the petition.

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

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

³ USCIS records indicate that the Petitioner filed a subsequent fiancée petition for the Beneficiary and that that petition was denied. The subsequent petition appears to have been denied because the Petitioner married the Beneficiary. The record of proceeding does not contain evidence of a marriage between the Petitioner and the Beneficiary, however if the Petitioner is married to the Beneficiary, she is no longer eligible to enter the U.S. in K-1 fiancée status and the Petitioner must file Form I-130, Petition for Alien Relative, instead.

Further, you were given a copy of the missing page 13 to fill out and to return along with other evidence to overcome other issues.”

As the record of proceeding does in fact contain page 13 of the Form I-129F, the Director’s decision appears to have been issued in error. The Petitioner appears to have complied with the Director’s RFE, and we will therefore withdraw the decision and remand the matter so that the Director may determine whether the Petitioner has satisfied the remaining eligibility requirements.

ORDER: The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.