



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

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

In Re: 10430956

Date: June 7, 2021

Appeal of Vermont Service Center Decision

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

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary as a “K-1” nonimmigrant under the fiancé(e) visa classification at section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i). A U.S. citizen may petition to bring a fiancé(e) to the United States in K-1 classification for marriage.

The Director of the Vermont Service Center denied the petition, concluding that the Petitioner was ineligible to classify the Beneficiary as his fiancée because the record did not include sufficient evidence showing that she was legally able to conclude a valid marriage. Specifically, the Director found that the Petitioner and the Beneficiary had already married in Mexico; therefore, the Beneficiary cannot be considered a fiancé(e). On appeal, the Petitioner asserts that he and the Beneficiary were never legally married.

In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit. Upon *de novo* review,¹ we will remand the matter to the Director for further consideration.

I. LAW

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1) requires that the petitioner establish, among other requirements, that the parties are legally able to conclude a valid marriage in the United States within 90 days of the fiancé(e)'s admission.

II. ANALYSIS

The Petitioner filed the fiancé(e) petition on November 9, 2018, and indicated that his marital status and that of the Beneficiary was “single” and that neither of them have ever been married previously. The Director denied the petition after finding that the Petitioner and Beneficiary were married on 2019 in Mexico, which made the Beneficiary unable to be considered a fiancé(e) and legally eligible to conclude a marriage in the United States.

¹ See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

On appeal, the Petitioner asserts that he and the Beneficiary were not legally married. He states that although he and the Beneficiary celebrated a religious wedding in Mexico, their religious ceremony was not recognized by either federal or state law there. In support of this explanation, the Petitioner submits copies of the Federal Civil Code of Mexico, Chapter VII, Article 97 and the Family Code of the State of [REDACTED] Chapter 5, Article 91. The Petitioner further states that no marriage certificate was ever signed by the Petitioner and the Beneficiary. Therefore the Petitioner asserts that he and the Beneficiary are able to marry in the United States because they have not satisfied the legal marriage requirements in Mexico.

Because this additional evidence is directly relevant to the Director's ground for denial of the petition, we will remand the matter for the Director to consider whether the Petitioner has established that he and the Beneficiary are legally able to conclude a valid marriage in the United States within a period of 90 days after the Beneficiary's arrival and has otherwise established eligibility under sections 101(a)(15)(K), 214(d), and 204(a)(1)(A)(viii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(viii).

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