



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 15840631

Date: JUN. 10, 2021

Appeal of 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.<sup>1</sup> 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.<sup>2</sup>

The Director of the California Service Center denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the Petitioner did not submit sufficient evidence demonstrating the termination of the Beneficiary's prior marriage and thereby the Beneficiary's ability to marry the Petitioner. On appeal, the Petitioner presents additional evidence to demonstrate eligibility for the fiancé(e) visa.

While we conduct de novo review on appeal,<sup>3</sup> we conclude this new evidence is directly relevant to the Director's grounds for denial of the fiancé(e) petition. We will therefore remand the matter for the Director to further consider whether the Petitioner has established that the parties are legally able to conclude a valid marriage and has otherwise established eligibility under section 214(d) of the Act, 8 U.S.C. § 1184(d).

**ORDER:** The decision of the Director is withdrawn.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> 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).

<sup>2</sup> Section 214(d)(1) of the Act.

<sup>3</sup> See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).