



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 13012155

Date: JUN. 11, 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.¹ 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.²

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 parties personally met within the two-year period immediately preceding the filing of the petition, and a discretionary waiver of the personal meeting requirement is warranted. On appeal, the Petitioner presents additional evidence and maintains that he has demonstrated eligibility to classify the Beneficiary as a K-1 nonimmigrant.

While we conduct de novo review on appeal,³ we conclude this new evidence is directly relevant to the Director's grounds for denial of the fiancé(e) petition. We also note that the Director's decision does not address the statutory bar presented by the Petitioner's multiple fiancé(e) filings.⁴ We will therefore remand the matter for the Director to further consider whether the Petitioner has established that the parties personally met within the two-year period immediately preceding the filing of the petition, and whether the Petitioner merits a discretionary waiver of the statutory bar. More specifically, the Director should consider whether the record's evidence, e.g., the parties' bona fide intent to marry, overcomes any negative factors raised by the multiple filings and that the Petitioner has otherwise established eligibility under section 214(d) of the Act. The Director may request any

¹ 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).

² Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d).

³ See *Matter of Cristo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

⁴ Section 214(d)(2)(A) of the Act precludes approval of a petition if a petitioner has: (1) previously filed a fiancé(e) petition for two or more foreign national fiancé(e)s before filing the instant fiancé(e) petition, or (2) less than two years have passed since the filing date of a previously-approved fiancé(e) petition. It further provides a discretionary waiver of these limitations "if justification exists."

additional evidence considered pertinent to the new determination and any other issue. As such, 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.