



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 15799485

Date: MAY 26, 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 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 have a bona fide intent to marry within 90 days of the Beneficiary's admission to the United States, 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.

The additional evidence includes the Petitioner and Beneficiary's passports, which contain travel stamps evidencing they met in Senegal within the two-year period prior to the filing of the fiancé(e) petition. The Petitioner also includes photographs of the parties together with handwritten notes on the back describing the photos and indicating the dates they were taken, as well as, a sworn witness statement attesting to the parties' meeting and ongoing relationship. The additional evidence also contains a sworn statement by the Beneficiary stating her intent to marry within 90 days of the Beneficiary's arrival into the United States. The Petitioner also includes evidence of providing financial support to the Beneficiary and a letter explaining that he is unable to provide evidence of their discussions about their relationship and marriage because they were done over the phone or via a video/messaging application. 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 will therefore remand the matter for the Director to further consider whether the Petitioner has established

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.

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

that she and the Beneficiary are legally able and actually willing 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 section 214(d) of the Act.

ORDER: The decision of the Director is withdrawn.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