



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 18329056

Date: SEP. 7, 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 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. Section 214(d)(1) of the Act.

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 provide sufficient documentation of an in-person meeting with the Beneficiary during the relevant two-year period or that he merits a discretionary waiver of that requirement.

On appeal, the Petitioner presents additional evidence and maintains that he has demonstrated eligibility to classify the Beneficiary as a K-1 nonimmigrant. The new evidence submitted on appeal includes date-stamped pictures, a social media post, and a bank statement. The Petitioner asserts this new evidence, when considered together with his previously submitted documents, demonstrates that he and the Beneficiary met within the relevant two-year period. While we conduct de novo review on appeal,<sup>1</sup> we conclude this new evidence is directly relevant to the Petitioner's eligibility claim and will therefore remand the matter so that the Director can consider it in the first instance.

The Director may also wish to further explore the consistency, or lack thereof, of the Petitioner's statements and evidence. Specifically, the Petitioner stated in his February 2021 letter that he did not take any pictures with his fiancée in April 2018, but on appeal he provides three pictures dated April 27, 2018. Though the Petitioner asserts he was previously unaware of these dated photos,<sup>2</sup> he previously submitted one of them without a date. The Director may wish to explore why the initial photo had no date and/or why the Petitioner was not able to provide the date of this photo initially.

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

<sup>2</sup> The Petitioner asserts that he found these photos on an old telephone.

Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit.<sup>3</sup>

In sum, we will remand the matter for the Director to (1) consider the new evidence and whether the Petitioner has established that the parties have previously met in person within two years before the date of filing the fiancé(e) petition, and (2) make a determination as to whether the other statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant have been met. The Director may request any 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.

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<sup>3</sup> See Matter of Ho, 19 I&N Dec. 582, 591-92 (BIA 1988).