



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

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

In Re: 18635913

Date: SEP. 13, 2021

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i).

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 establish eligibility for a fiancée visa. On appeal, the Petitioner submits additional evidence.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will withdraw the Director's decision and remand the matter for further action.

When the Petitioner filed this fiancée petition in September 2020, he did not include any supporting evidence and the Director denied the petition for that reason. For the first time on appeal, the Petitioner provides evidence to establish his eligibility. As our review is generally limited to the evidence in the record at the time of the Director's adjudication, the Director is the more appropriate party to consider this evidence and its impact on the Beneficiary's eligibility for a fiancée visa. Therefore, we will withdraw the Director's decision and remand this matter.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.