



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

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

In Re: 30258649

Date: APR. 11, 2024

Appeal of California Service Center Decision

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

The Petitioner seeks to classify the Beneficiary as her K-1 nonimmigrant fiancé. Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i). For this classification, the Petitioner must establish that the couple met in person during the two-year period preceding the petition's filing, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within 90 days of admission. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Petitioner is legally able to marry the Beneficiary because it did not include documentation showing that her prior marriage was terminated. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

In order to classify a beneficiary as their fiancé, a petitioner must establish, among other things, that both parties are legally able to conclude a valid marriage in the United States within 90 days of the beneficiary's admission. Section 214(d)(1) of the Act. In her Form I-129F, Petition for Alien Fiancé(e), the Petitioner stated that she was widowed in 2011. However, she did not provide documentation to support this claim. The Director denied the petition because the record did not establish that the Petitioner's first marriage was terminated.

On appeal, the Petitioner provides a cover letter and a document from the Ghanaian Judicial Service which attests to the stamp, signature, and seal of the notary public in another document, which is not included in the record. According to the U.S. Department of State's guide to Ghanaian civil documents, the only acceptable documentation of a death in Ghana is a death certificate issued by the Registrar of

Births and Deaths of Ghana.¹ The Petitioner has not provided this document, and so has not demonstrated the termination of her prior marriage.

The record does not establish that the Petitioner is legally able to marry the Beneficiary. Section 214(d)(1) of the Act. Therefore, she has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant, and the petition will remain denied.

ORDER: The appeal is dismissed.

¹ U.S. Dep't of State, Bureau of Consular Aff., *U.S. Visa: Reciprocity and Civil Documents by Country – Ghana*, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Ghana.html> (expand the section titled “Birth, Death, Burial Certificates”) (last visited Mar. 27, 2024).