



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

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

In Re: 31720533

Date: SEP. 9, 2024

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. *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 Director of the California Service Center denied the petition and 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.

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if a petitioner establishes that the parties have previously met in person within two years before the date of filing the fiancé(e) petition, have a *bona fide* intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of 90 days after a beneficiary's arrival.

On January 11, 2023, the Petitioner filed a fiancée petition on behalf of the Beneficiary seeking her admission in K-1 fiancée visa status. On November 2, 2023, the Director denied the petition, and the Petitioner timely appeal that decision. In conducting routine government system checks, we determined that the Petitioner filed a spousal petition, Form I-130, Petition for Alien Spouse, on behalf of the Beneficiary in February 2024. On the Form I-130, the Petitioner indicated that he had married the Beneficiary on December 25, 2023, and submitted a marriage certificate indicating the date and place of marriage. In support of the Form I-130, the Petitioner provided a statement dated January 26, 2024, indicating that he no longer wished to pursue the K-1 fiancée visa that is the subject of this appeal. Based on this derogatory information, we issued a notice of intent to dismiss (NOID) this appeal, granting the Petitioner an opportunity to respond, however no response was received. Therefore, we will dismiss the appeal as abandoned. 8 C.F.R. § 103.2(b)(13)(i).

ORDER: The appeal is dismissed.