

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Fwd: Fiance Visa  
**Date:** [REDACTED]

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----- Forwarded message -----

**From:** [REDACTED]  
**Date:** [REDACTED]  
**Subject:** Fiance Visa  
**To:** [REDACTED]  
**Cc:**

Good Morning,

Below is the response our office has received based on our inquiry

Control No: [REDACTED]

Reference: [REDACTED]

Date: [REDACTED]

This is in reply to your [REDACTED] inquiry regarding the visa concerns of your constituent, [REDACTED]

The case filed by Mr. [REDACTED] on behalf of [REDACTED] has been refused and returned to the U.S. Citizenship and Immigration Services (USCIS). Ms. [REDACTED]'s [REDACTED] marriage to [REDACTED] did not fall within the provisions of the law allowing for Sharia divorce in the Philippines and, as such, their subsequent divorce in [REDACTED] cannot be legally recognized. For this reason, Ms. [REDACTED] is not free to marry and does not qualify for the fiancée (K1) visa category.

9 FAM 102.3 states that the "underlying principle in determining the validity of the marriage is that the law of the place of marriage celebration controls." In the Philippines, a marriage under the Civil Code of the Philippines may only be terminated through annulment, being declared void ab initio, or through the death or legally presumed death of a spouse.

However, the Code of Muslim Personal Laws of the Philippines (MPL) permits divorce under narrow circumstances for Filipino Muslims. Article 13 of the MPL states, in relevant part:



(1) The provisions of this Title shall apply to marriage and divorce wherein both parties are Muslims, or wherein only the male party is a Muslim and the marriage is solemnized in accordance with Muslim law or this Code in any part of the Philippines.

(2) In case of marriage between a Muslim and a non-Muslim, solemnized not in accordance with Muslim law or this Code, the Civil Code of the Philippines shall apply.

Philippine law does not recognize the validity of Ms. [REDACTED]'s Sharia divorce because the Family Code is the first or sole legal basis of her underlying marriage. In this case, following the [REDACTED] civil marriage, Ms. [REDACTED] subsequently converted to Islam and obtained a divorce under Sharia (Islamic law). Even if a Sharia court accepted and adjudicated the petition for divorce, its decision is not legally binding because the applicant did not marry in accordance with Muslim law of the MPL. Consequently, the applicant is not single and therefore, does not qualify for the K1 visa category being sought.

On [REDACTED], we sent Ms. [REDACTED]'s passport and provided her a letter regarding our determination on the case. On the same date, we returned the visa petition to the USCIS office through our State Department's National Visa Center (NVC), for appropriate action.

When the USCIS is in receipt of the petition, your constituent may contact the USCIS National Customer Service Center (NCSC) toll-free at [1-800-375-5283](tel:1-800-375-5283) regarding this matter.

We hope this information is helpful in responding to your constituent.

Stephanie Davila-Syner, MSW

Senior Congressional Aide and Outreach Liaison

Congresswoman Diana DeGette

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