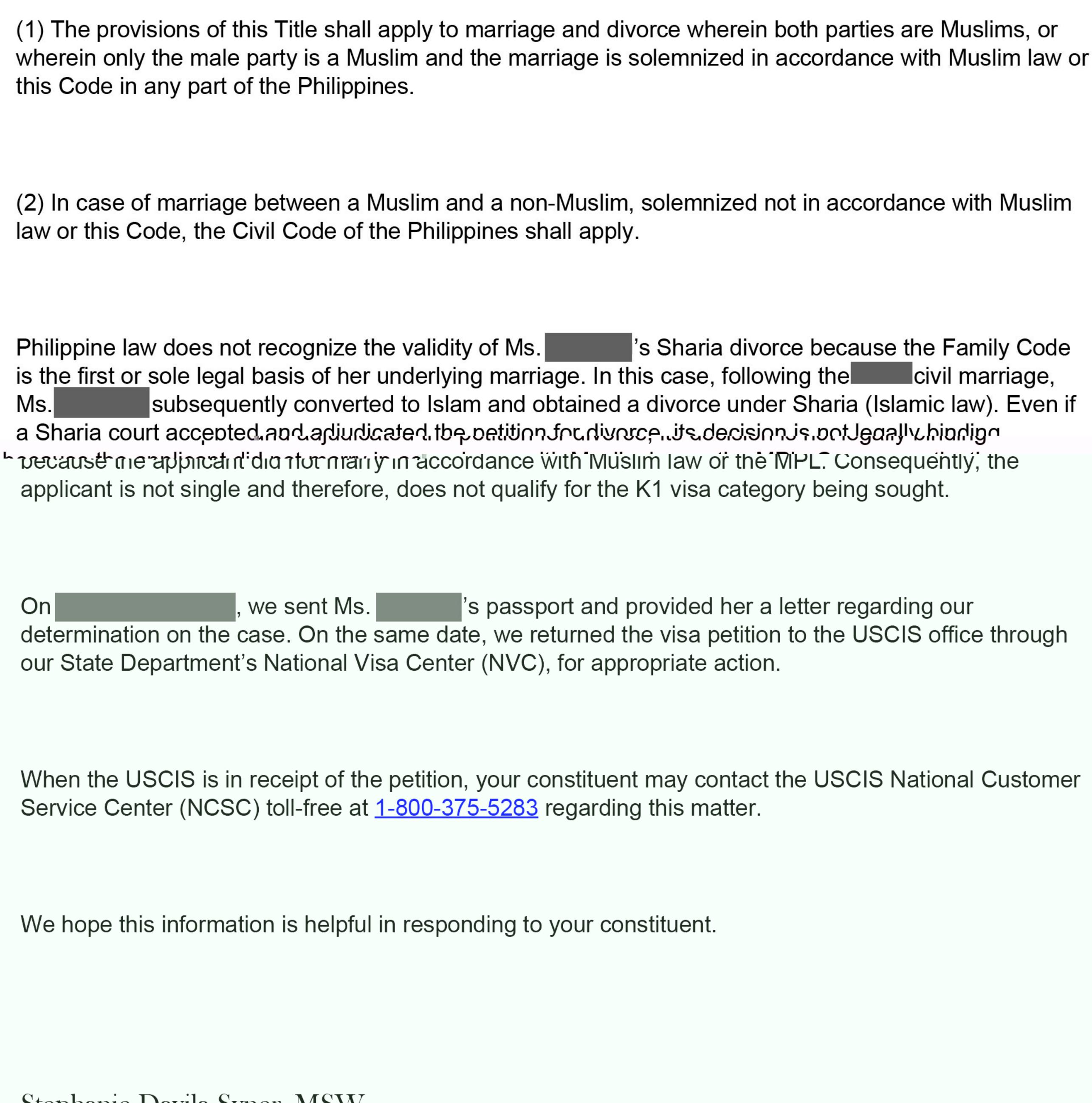
To: Subject: Fwd: Fiance Visa Date:
Forwarded message From: Date:
Subject: Fiance Visa To:
Cc:
Good Morning,
Below is the response our office has received based on our inquiry
Control No:
Reference:
Date:
This is in reply to your inquiry regarding the visa concerns of your constituent,
The case filed by Mr. on behalf of has been refused and returned to the U.S. Citizenship and Immigration Services (USCIS). Ms. 's marriage to did not fall within the provisions of the law allowing for Sharia divorce in the Philippines and, as such, their subsequent divorce in cannot be legally recognized. For this reason, Ms. 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:



Stephanie Davila-Syner, MSW

Senior Congressional Aide and Outreach Liaison

Congresswoman Diana DeGette

600 Grant Street, Suite 202

Denver, CO 80203

Phone: <u>303.844.4988</u>

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