



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

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

In Re: 21179809

Date: MAR. 15, 2022

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as his fiancée. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i). A U.S. citizen may petition to bring a fiancé(e) to the United States in K nonimmigrant visa status for marriage. The U.S. citizen must establish that the parties have previously met in person within two years before the date of filing the 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 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 Beneficiary had a *bona fide* intention to conclude a valid marriage with the Petitioner within 90 days of admission into the United States as required under section 214(d)(1) of the Act. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

A petitioner must establish, among other things, that the parties have a *bona fide* intention to marry within 90 days of the fiancé(e)'s admission to the United States. Section 214(d)(1) of the Act.

II. ANALYSIS

The issue on appeal is whether the evidence is sufficient to demonstrate the Beneficiary's *bona fide* intent to marry the Petitioner. When adjudicating the underlying case, the Director requested evidence of this *bona fide* intent. Suggested evidence included statements of intent to marry signed by both the Petitioner and the Beneficiary as well as documentation of ongoing communication, wedding preparations, or any other evidence that would establish mutual intent to conclude a valid marriage within 90 days of the Beneficiary's admission to the United States.

In response, the Petitioner submitted affidavits from his father and son regarding the relationship, his tax return, three of his pay statements, and documentation of his in-person meeting with the Beneficiary in 2019. He also provided a credit card statement with a jewelry store transaction highlighted, a restaurant menu with party expenses annotated on it, and evidence of various financial remittances from him to the Beneficiary. The evidence provided did not include any statement from the Beneficiary regarding the relationship or her intention of marrying the Petitioner, any documentation of communication between the Petitioner and the Beneficiary, or any other documentation of the Beneficiary's *bona fide* intention to complete a marriage with the Petitioner within 90 days of entering the United States. Therefore, the Director denied the petition.

On appeal, the Petitioner submits a signed statement that he is legally able and willing to marry the Beneficiary, a letter from him regarding the history of their relationship, and the same documentation provided in response to the Director's request for evidence. While this evidence indicates that the Petitioner intends to marry the Beneficiary, it still does not contain sufficient documentation of the Beneficiary's intention to marry the Petitioner. The petition does not contain any statement or communication from the Beneficiary regarding their relationship, or any other documentation of her intention to marry the Petitioner. Therefore Petitioner has not established by a preponderance of the evidence that both he and Beneficiary have an intent to enter into a *bona fide* marriage.

ORDER: The appeal is dismissed.