



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 10134095

Date: AUG. 28, 2020

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks the admission of the Beneficiary, a citizen of the Philippines, as a “K-1” nonimmigrant under the fiancé(e) visa classification at section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i). The Director of the California Service Center (Director) denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), and the matter is now before us on appeal. On appeal, the Petitioner submits a statement and additional evidence. The Administrative Appeals Office reviews the questions in this matter de novo. See *Matter of Christo’s Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will remand the matter to the Director for further consideration.

## I. LAW

The burden of proof is on the petitioner to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), provides that the petitioner must establish, inter alia, that the parties are legally able and actually willing to conclude a valid marriage in the United States within a period of 90 days after the beneficiary’s arrival.

Evidence of an intention to marry may include statements of intent to marry signed by both the petitioner and the beneficiary or any other evidence that establishes mutual intent. Form I-129F, Instructions for Petition for Alien Fiancé(e), at 11 (reiterating the requirement that the petitioner must submit evidence of a bona fide intention to marry); see also 8 C.F.R. § 103.2(a)(1) (providing that “[e]very form, benefit request, or other document must be submitted . . . and executed in accordance with the form instructions” and that a “form’s instructions are . . . incorporated into the regulations requiring its submission”).

## II. ANALYSIS

The Director of the California Service Center denied the fiancé(e) petition, concluding that the Petitioner did not submit sufficient documentation confirming the parties’ bona fide intention to marry. The Director noted several deficiencies in the evidence, including a lack of evidence of correspondence between the parties during the span of the relationship, no evidence indicating

wedding plans, few photographs of the parties together, and the fact that the parties met only once in person. The Director also noted that the Petitioner had not submitted any evidence from the Beneficiary demonstrating her bona fide intent to marry the Petitioner within 90 days of her arrival in the United States.

On appeal, the Petitioner presents additional evidence and maintains that he has demonstrated eligibility to classify the Beneficiary as a K-1 nonimmigrant. The additional evidence includes statements from both the Petitioner and the Beneficiary discussing their bona fide intent to marry within 90 days after the Beneficiary's arrival. The Petitioner's statement also addresses the lack of evidence of correspondence between the parties and why the Petitioner was unable to visit the Beneficiary on more than one occasion, explaining that he was prevented from doing so because he is the primary caregiver for his mother, who is disabled and requires daily care. Because this evidence is directly relevant to the Director's ground for denial of the fiancé(e) petition, we will remand the matter for further consideration of whether the Petitioner has established that he and the Beneficiary are legally able and actually willing to conclude a valid marriage in the United States within a period of 90 days after the Beneficiary's arrival and has otherwise established eligibility under section 214(d) of the Act.

ORDER: The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.