



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 17403568

Date: AUG. 12, 2021

Appeal of a 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 fiancée to the United States in K-1 status for marriage.

The Director of the California Service Center denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the record did not establish the parties' mutual intent to marry one another. While the Director did not question the Petitioner's intent to marry the Beneficiary, she did question the Beneficiary's intent to marry the Petitioner and ultimately denied the petition on that basis. The Director relied heavily upon a prior fiancé(e) petition filed on behalf of the Beneficiary in arriving at that conclusion.

On appeal, the Petitioner submits additional evidence and argues: (1) the record has established the Beneficiary's intent to marry the Petitioner, and (2) the Director erred by considering the evidence from previous petition.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review 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 for further action.

The current Petitioner filed the instant fiancé(e) petition on March 24, 2020. The Director concluded the initial documents did not establish the Beneficiary's bona fide intent to marry the Petitioner. As such, the Director issued an RFE requesting, in part, an explanation of the Beneficiary's previous engagement and subsequent withdrawal of the previous fiancé(e) petition. With his response, the Petitioner stated the Beneficiary never had any previous engagements, and that her engagement to him was her "first time" to be engaged.

The Director denied the fiancé(e) petition on the basis of her determination that the Petitioner did not demonstrate the Beneficiary's bona fide intention to marry him. Noting that the previous petition included a Beneficiary-signed letter of intent to marry the prior petitioner and photos of the previous

petitioner and the Beneficiary together, the Director stated that the evidence submitted on behalf of the Beneficiary had been “less than the evidence” submitted in her previous filing. The Director also assigned significant weight to the obvious inconsistency between: (1) the Petitioner’s claims in his RFE response that the Beneficiary “never had any previous engagement” and that her engagement to him was her “first time getting engaged” and (2) the previous filing of a fiancé(e) petition on her behalf by another individual. Based upon the information available to the Director, she concluded that the Petitioner had not established the Beneficiary’s bona fide intention to marry him by a preponderance of the evidence.

The additional evidence on appeal, including statements by the Petitioner and Beneficiary that reiterate their intention to marry each other and explain the Beneficiary’s engagement status with the previous petitioner, appear material to their claim. For example, both parties describe their religious engagement ceremony and explain that the Beneficiary never participated in such a ceremony with the petitioner of the prior petition. The Beneficiary also explains why her relationship with the petitioner of the prior petition ended and reasserts her intent to marry the Petitioner. Also, the Petitioner submits additional photos, instant messages, and statements from other family members that provide more insight into the relationship between the Petitioner and Beneficiary. Therefore, we will remand the matter to the Director to consider this new evidence in the first instance and make a determination as to whether the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant have been met. The Director may request any additional evidence considered pertinent to the new determination and any other issue. As such, we express no opinion regarding the ultimate resolution of this case on remand.

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