



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

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

In Re: 10593688

Date: JUNE 2, 2021

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary 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). A U.S. citizen may petition to bring a fiancé(e) to the United States in K-1 classification for marriage.

The Director of the California Service Center denied the Form I-129F, Petition for Alien Fiancé(e) (fiancée petition), concluding that the record did not establish the Beneficiary’s *bona fide* intention to marry. On appeal, the Petitioner submits additional evidence and asserts that the Director erred in her decision.

In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit. Upon *de novo* review, we will dismiss the petition. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

I. LAW

The petitioner must establish, among other things, that the parties have previously met within two years before the date of filing the petition, have a *bona fide* intention to marry, and are willing and legally able to conclude a valid marriage in the United States within 90 days of the fiancée’s admission. Section 214(d)(1) of the Act, 8. U.S.C. § 1184(d)(1).

II. ANALYSIS

The only issues on appeal are whether the evidence is sufficient to 1) demonstrate the Beneficiary’s intent to marry the Petitioner and 2) whether such intent is *bona fide*.¹ On appeal, the Petitioner submits new evidence including copies of Facebook messages the couple exchanged, the Beneficiary’s signed relationship statement, and a declaration of intent to marry likewise signed by Beneficiary. The

¹ Although the Director also stated in the conclusion of her decision that the Petitioner did not submit sufficient evidence to establish the Beneficiary is legally able to marry, no analysis of evidence relevant to that issue was provided in her decision and we conclude the statement was made in error.

Petitioner also asserts that the preponderance of the evidence already in the record sufficiently established the *bona fides* of their intent to marry.

Because the new evidence is directly relevant to the Director's ground for denial of the fiancé(e) petition, we will remand the matter for further consideration. Upon remand, the Director should consider these materials, along with those the Petitioner previously submitted, to determine if the Beneficiary has demonstrated the requisite intention.

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