



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 13362782

Date: JUN. 4, 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 petition, concluding that the Petitioner did not provide sufficient documentation of an in-person meeting with the Beneficiary during the two-year period prior to filing the petition or that he merits a discretionary waiver of the personal meeting requirement. The Director also found that the Petitioner did not submit evidence of the Beneficiary's bona fide intent to marry her within 90 days of his admission into the United States. On appeal, the Petitioner provides a statement and submits additional evidence.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence.¹ The Administrative Appeals Office (AAO) reviews the questions in this matter de novo.² Upon de novo review, we will dismiss the appeal.

I. LAW

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if the petitioner establishes that the parties have previously met in person within two years before the date of filing the fiancé(e) 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 a period of 90 days after the beneficiary's arrival. U.S. Citizenship and Immigration Services (USCIS) maintains the discretion to waive the requirement of an in-person meeting between the two parties if compliance would either result in extreme hardship to the petitioner, or violate strict and long-established customs of the beneficiary's foreign culture or social practice. *Id.*; 8 C.F.R. § 214.2(k)(2).

¹ Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

² See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

II. PERTINENT FACTS AND PROCEDURAL BACKGROUND

This is the second fiancé(e) petition the Petitioner has filed for the Beneficiary. The first petition was filed on February 6, 2017. USCIS approved it on October 4, 2017 and forwarded the approval to the U.S. Embassy in Yaoundé, Cameroon. The consular officer found that the parties had not met their burden to demonstrate a bona fide relationship and returned the petition to USCIS for recommended revocation. The consular officer reached that conclusion after determining that the Beneficiary did not provide sufficiently detailed information regarding their relationship. The Director never revoked the approval of the above-referenced petition but ultimately terminated action on it because the validity period of the approved petition had expired.

The Petitioner filed the current petition on May 28, 2019. The Director determined that the Petitioner did not establish the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant and issued a request for additional evidence (RFE) on October 10, 2019. Specifically, the RFE requested, in part, evidence of (1) the Petitioner's and Beneficiary's bona fide intent to marry; and (2) the couple having previously met in person within the relevant two-year period or to establish that a personal meeting within the relevant period would result in extreme hardship to the Petitioner or violate the Beneficiary's strict and long-established customs, foreign culture, or social practice. In particular, to demonstrate the Petitioner's and Beneficiary's intent to marry, the Director stated that evidence may include, inter alia, details on their first meeting and engagement, their ongoing correspondence, their wedding and reception plans, indication of financial support, and subsequent trips to see each other. The Petitioner was also notified and asked to address the findings of the Department of State's October 2017 interview with the Beneficiary.

The Director determined that the Petitioner's RFE response did not establish that she and the Beneficiary had a bona fide intent to marry. The Director found, specifically, that the instant messages, photos from June 2016 and August-September 2019, remittances, the affidavits from the Petitioner and Beneficiary, and affidavits from the Petitioner's son and Beneficiary's friend and brother were insufficient to establish the bona fides of their intent to marry. As a result, the Director denied the instant petition.

On appeal, the Petitioner reiterates that her relationship with the Beneficiary is bona fide. The Petitioner states she participated in a "traditional wedding" with the Beneficiary on [redacted] 2016; has communicated with the him "since the inception" of their relationship; and has provided him financial support. With regard to earlier submitted photos, the Petitioner argues she could not provide more demonstrative photos of their "emotional involvement" because their religion and culture do not allow for more intimate pictures, such as kissing. Also, the Petitioner states she applied for a marriage license and was assigned a transaction number. The Petitioner also submitted additional evidence including instant messages between her and the Beneficiary, photos from [redacted] 2016 and January and February 2019, and a medical attestation that the Beneficiary was injured by rebel forces accompanied by photos of the injuries.

III. ANALYSIS

For the reasons discussed below, we conclude that the Petitioner has not satisfied the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. In particular, we find

three separate factors independently bar approval of this petition: (1) inconsistent evidence in the record; (2) the Petitioner's failure to establish the couple's bona fide intention to marry; and (3) the Petitioner's failure to establish they have previously met in person within two years before the date of filing the fiancé(e) petition, or that a discretionary waiver of the two-year in person meeting is warranted.³

A. Inconsistent Evidence in the Record

We observe discrepancies in the record that undermine the overall credibility of this petition. In her RFE response, the Petitioner stated that she met the Beneficiary in Cameroon on three separate occasions: (1) October 21, 2009 to January 16, 2010; (2) September 4, 2015 to June 20, 2016; and (3) August 12, 2019 to September 13, 2019. She also included seven pages of photos with dates ranging from June 2016 to September 2019. Among these photos, the Petitioner dated six of these photos between August 2019 and September 2019. On appeal, the Petitioner resubmitted four of these six photos, but dated the events taking place between January 2019 and February 2019. The discrepancy in the dates of these photos are problematic, because we cannot determine if the Petitioner met the Beneficiary within the required two-year meeting period prior to the filing date of this petition.⁴

Moreover, the appellate brief states that a traditional wedding ceremony between the Petitioner and Beneficiary took place on [redacted] 2016, and the RFE response included numerous photos dated [redacted] [redacted] 2016 of the Petitioner and Beneficiary in matching attire. However, another photo with the couple in the same attire and that appears to have been taken on the same day has a June 15, 2016 electronic time stamp. This inconsistency also provides more doubt to the overall timeline provided by the Petitioner.

The Petitioner has not provided any explanation for these inconsistencies and must resolve inconsistencies with independent, objective evidence pointing to where the truth lies.⁵ Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit.⁶

These inconsistencies raise significant doubts as to the overall credibility of this petition and, for this reason alone, we conclude that the Petitioner has not established the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. Even if we were to set these inconsistencies aside, we would still dismiss the appeal because the Petitioner has not established that she and the Beneficiary have a bona fide intention to marry.

³ The Petitioner submitted multiple documents to support the fiancé(e) petition. While we may not discuss every document submitted, we have reviewed and considered each one.

⁴ This will be discussed further in Section C.

⁵ See Matter of Ho, 19 I&N Dec. 582, 591-92 (BIA 1988).

⁶ Id.

B. Bona Fide Intent to Marry

In order for the fiancé(e) petition to be approved, a petitioner must provide evidence that the petitioner and beneficiary have a bona fide intent to marry. The intended marriage cannot be for the sole purpose of obtaining an immigration benefit.

When initially submitting the current petition, the Petitioner included a statement from the Beneficiary stating his intent to marry the Petitioner within 90 days of arriving in the U.S. This statement may signal the Beneficiary's intent to marry, but that statement alone is not sufficient to demonstrate that the couple's intention is in fact bona fide.

According to the Petitioner and Beneficiary, they met in January 2010 and have maintained communication since. The Petitioner submitted instant messages sent on April 7, 2019 and from August 2019 to May 2020 to demonstrate that claimed continuity of communication. However, other than the April 2019 message, all the provided messages were sent after the instant petition was submitted. To explain why no evidence of communication prior to April 2019 was provided, the Beneficiary's affidavit claims that he lost the phone he used between 2010 and 2015. He also claimed that the Petitioner's phone deletes information regularly. However, the Petitioner was not able to provide an explanation as to the lack of messages from 2015 to April 2019 nor provide evidence of alternative communications, such as email or letters, to establish their communication throughout their relationship. We do not consider these instant messages, all of which save for one were sent after the filing of this petition, sufficient to establish that the parties have maintained ongoing correspondence throughout their claimed nine-year relationship. Nor do we find the Beneficiary's explanation regarding the lack of communication persuasive.

Moreover, in a series of instant messages dated December 8, 2019 the Petitioner forwards a picture of an engagement ring to the Beneficiary, to which the Beneficiary responds, "Thanks for the engagement ring." In response, the Petitioner states, "It's also to show that we're in the process of preparing for our marriage [on] your arrival." On appeal, the Petitioner submits another version of the December 8, 2019 messages that does not include the final line. She does not explain why it was deleted. These records in total do not demonstrate the parties' bona fide intent to marry, but rather suggest the Petitioner may have included these messages specifically for a favorable outcome of the fiancé(e) petition and obtaining the immigration benefit.

The evidence also does not establish a consistent, detailed record throughout the entirety of the relationship or establish the parties' bona fide intent to marry. As discussed, the Petitioner's statements and photos contain inconsistencies regarding when actual events in the relationship occurred, such as when the traditional wedding party took place or when certain photos with the Petitioner and Beneficiary were taken. In addition, the Petitioner has provided no probative evidence of their relationship prior to the traditional wedding party in 2016. For example, the money transfer receipts only establish the couple's relationship for four months from December 7, 2017 to March 6, 2018. Moreover, the affidavits submitted by the parties' family and friends do not sufficiently provide probative evidence of the Petitioner and Beneficiary's bona fide relationship or intent to marry.

On appeal, the Petitioner states that she has applied for a marriage license at a courthouse and was assigned a transaction number. Although the Petitioner provided the transaction number, the Petitioner has not provided any other probative evidence, such as official correspondence, that she in fact contacted the courthouse. In addition, the photos of the traditional wedding dress alone do not demonstrate the Petitioner and Beneficiary have a bona fide intent to marry. The Petitioner also submitted a medical report and photos detailing injuries sustained by the Beneficiary by rebel forces. However, this evidence do not provide any additional insight to the bona fides of the relationship, either.

In sum, the Petitioner did not provide sufficient evidence that the Petitioner and the Beneficiary have a bona fide intent to marry. As such, the Petitioner has not established the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant.

C. Two-Year Meeting Requirement

Although not discussed by the Director, the record also fails to demonstrate the Petitioner and Beneficiary met in person within two years before the date of filing the fiancé(e) petition, as required. The Petitioner filed the instant petition on May 28, 2019, and is therefore required to have met the Beneficiary in person at some point between May 28, 2017, and May 28, 2019, or to request a waiver of this requirement. On the petition, the Petitioner indicated that she had met the Beneficiary within the two-year period and did not request a waiver of the requirement.

The Petitioner provided copies of her passport stamps and boarding passes showing she entered Cameroon on January 17, 2019, and that she left on February 12, 2019. However in her RFE response document entitled “Declaration of Meeting in the Last Two Years,” the Petitioner states she went to Cameroon and has visited the Beneficiary on (1) October 21, 2009 to January 16, 2010; (2) September 4, 2015 to June 20, 2016; and (3) August 12, 2019 to September 13, 2019. The Petitioner does not mention her January and February 2019 travel in her declaration. As previously mentioned, the RFE response included photos showing she met with the Beneficiary in August and September 2019. Therefore, the RFE response does not indicate the Petitioner met within the requisite two-year period, May 2017 to May 2019.

As mentioned, on appeal, the Petitioner recharacterizes some of the August and September 2019 photos submitted with the RFE response as having actually been taken in January and February 2019. However, it would take a compelling explanation for us to accept this recharacterization, and the Petitioner has not offered one. We therefore do not find these photos persuasive. Although the Petitioner has provided evidence that she did travel to Cameroon in January and February 2019, the record does not clearly establish if the Petitioner met the Beneficiary, if at all, within the required two years. As such, the Petitioner has not established that the parties have previously met in person within two years before the date of filing the fiancé(e) petition, or that a discretionary waiver of the two-year in person meeting is warranted.

IV. CONCLUSION

The Petitioner has provided inconsistent evidence throughout the record. Nor has the Petitioner established that the parties have a bona fide intent to marry within 90 days of the Beneficiary's admission into the United States. Nor has the Petitioner established that the parties have previously met in person within two years before the date of filing the fiancé(e) petition, or that a discretionary waiver of the two-year in person meeting is warranted. As such, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant.

ORDER: The appeal is dismissed.