



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

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

In Re: 10751423

Date: June 7, 2021

Appeal of the California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks to classify 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 classification for marriage.

The Director of the California Service Center denied the fiancé(e) petition, concluding that the Petitioner did not submit sufficient documentation to establish the parties’ intent to marry under section 204(d) of the Act, 8 U.S.C. § 1184(d)(1). On appeal, the Petitioner submits a reply affidavit asserting the Director erred.

Upon de novo review, we will dismiss the appeal.<sup>1</sup>

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.

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”).

The Petitioner bears the burden of establishing eligibility, section 291 of the Act, and must do so by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

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<sup>1</sup> *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

## II. ANALYSIS

Upon review of the record in its totality, we conclude that the record does not sufficiently establish a bona fide intent to marry within 90 days of the Beneficiary's arrival under section 214(d) of the Act.

The record contains a statement from the Petitioner regarding the development of her relationship with the Beneficiary; notarized letters verifying knowledge of the Petitioner's travel and engagement; copies of untranslated social media conversations between the Petitioner and the Beneficiary; travel records and photos relating to the couple meeting in France; and purchase of an "alliance" ring.<sup>2</sup>

The Petitioner's statement is brief and important details are not corroborated. For example, the Petitioner indicates her relationship with the Beneficiary developed when she went to visit and reconnect with his sisters in 2017. However, no statements from his sisters, or others with knowledge of those visits, were provided. The notarized letters which were provided contain little substantive information relating to the development of the Petitioner and the Beneficiary's relationship and a *bona fide* intent to marry. Two affidavits were from a friend and the Petitioner's sister, and were nearly identical comprising of only three sentences confirming that the Petitioner traveled to [ ] to meet the Beneficiary; the Beneficiary proposed to the Petitioner upon her arrival in France; and the Petitioner returned shortly thereafter to share her good news. The third affidavit only certifies that the affiant attended the engagement and confirms the date and parties' identities but does not describe how the affiant knows the Petitioner and the Beneficiary or the couple's relationship. None of the affidavits specifically describe the parties' relationship in detail or their intent to marry.

Next, as noted by the Director, the social media conversations submitted did not include translations.<sup>3</sup> On appeal, the Petitioner claims that the communications between the Petitioner and Beneficiary played an important role in their relationship but does not submit a properly certified English language translation of the communications. Therefore, we cannot meaningfully determine whether the media conversations support a *bona fide* relationship or intent to marry.

Regarding other evidence in the record, in addition to the concerns already raised by the Director, we note that purchase of a ring alone is insufficient to demonstrate a *bona fide* intent to marry. For example, the record does not establish the Beneficiary's intent when she purchased the ring, including whether it was purchased for the Petitioner and if so why, or that the Petitioner received the ring. The record does not sufficiently establish that the ring demonstrates a bona fide intent to marry.

On appeal, the Petitioner submits an affidavit discussing her relationship with the Beneficiary, signed and notarized by both the Petitioner and Beneficiary, which asserts that the documentation submitted previously sufficiently demonstrated that their relationship is *bona fide*. The Petitioner did not submit any other new evidence.

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<sup>2</sup> The Petitioner submitted a variety of documentation to support the K-1 petition. While we may not discuss every document submitted, we have reviewed and considered each one.

<sup>3</sup> Any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. *Id.*

We first note that there is some question as to whether the Beneficiary knowingly signed and fully understood the affidavit submitted on appeal. The document was written by the Petitioner's attorney on behalf of the parties. The jurat signed by the Beneficiary states the affidavit was translated to him over the phone in Creole by his fiancée. However, the probative value of the Beneficiary's signature is questionable. His jurat appears on a separate page from the rest of the affidavit. Although the notary stamp on that page is the same as that by the Petitioner's jurat on a previous page, the page signed by the Beneficiary does not mention the purpose of the affidavit that was read to him, the document's title, or mention any specific information or facts discussed therein. There are also no page numbers or other such indicators clearly connecting the various pages of the document to each other. Likewise, there is no indication that a written translated copy of the affidavit was provided to the Beneficiary. And, although the page is notarized, there is no indication that the notary understood the Creole translation provided by the Petitioner or otherwise was able to confirm the Beneficiary's comprehension of the significance of the document he was signing. As such, there is insufficient evidence to verify what was read to the Beneficiary and that he understood the contents of the document to which his signature page was attached.

Nevertheless, even if the Beneficiary was fully aware of the contents of the affidavit, it does not provide sufficient detail to demonstrate the *bona fide* intent to marry the Petitioner within 90 days of arrival. The document reiterates what was already in the record, discussing briefly how the Petitioner met the Beneficiary through her friendship with his sisters in Haiti, which is, not corroborated in the record. The affidavit states they "engaged in conversations and developed excellent report [*sic*] that led to [a] lovely relationship that they intend to maintain" and that "[b]ecause of the quality of communication and the ability to relate to each other, they identified some real interest and attention for respective concerns." As discussed, the record does not contain translated copies of communication between the couple. Further, the record does not establish the timeframe within which their marriage will take place or otherwise confirm that the Beneficiary intends to marry the Petitioner within the required 90 days of his admission into the United States. Similarly, little other evidence was submitted to show what steps the parties have taken related to future marriage arrangements.

### III. CONCLUSION

Considering the totality of the evidence, we conclude that the record does not sufficiently establish a *bona fide* intent to marry within 90 days of the Beneficiary's admission into the United States. Therefore, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant.

**ORDER:** The appeal is dismissed.