



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

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

In Re: 13572961

Date: MAY 10, 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 fiancé 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 submit required evidence (passport photographs). The Petitioner provides it on appeal.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence.<sup>1</sup> We review this matter *de novo*.<sup>2</sup> Upon *de novo* review, we will remand the petition to the Director for entry of a new decision.

## 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).

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. *See* 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

---

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

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

with the form instructions” and that a “form’s instructions are . . . incorporated into the regulations requiring its submission”).

## II. ANALYSIS

The Director denied the instant fiancé(e) petition because the Petitioner did not submit the requisite passport photographs. She submits them on appeal, thereby overcoming the Director’s stated ground for denial. The Director’s decision will therefore be withdrawn.

That said, the record as it currently stands is not sufficient to permit the petition’s approval. As evidence of the parties’ mutual intent to marry each other within 90 days of the Beneficiary’s admission into the United States, the Petitioner submitted her own statement, a statement from the Beneficiary, a joint statement from three individuals in Cuba, a statement from a fourth individual in Cuba, and 12 pages of social media posts. In addition, the Petitioner submitted a copy of her Majestic Tours flight information for two trips to Cuba (in July 2018 and November to December 2018), as well as the travel itinerary for her February to March 2020 trip to Cuba.

This evidence appears insufficient to establish the mutual intent of the parties to enter into a bona fide marriage. For example, the Petitioner’s statement is vague and contains few pertinent details. While it alludes to her having grown up with the Beneficiary in Cuba, there are no details provided about the decades they purport to have known each other. In addition, the Petitioner writes that in their youth the couple “almost started dating” yet the Petitioner is seven years older than the Beneficiary, and it is unclear what period of time in their “youth” the Petitioner is describing. The Petitioner states that from her first visit to Cuba, the couple decided to have a “marital relationship” however, she provides no other details related to how or why the decision to enter into a marital relationship was made.

The Beneficiary’s statement is also vague and does not describe, for example, the Petitioner’s rapport with his daughters, why the decision to get married was made, what (if any) future plans the parties have made to get married, who else lives in his home in Cuba (where the Petitioner purports to stay when she visits Cuba), etc. The Beneficiary’s statement lacks other pertinent details about his life that would be affected by a decision to move to the United States and marriage to the Petitioner.

Both the Petitioner and the Beneficiary state that they considered marrying in Cuba but that the process would take too long. For example, the Beneficiary described the process of marriage in Cuba as “complicated and extensive.” However, their statements are vague and do not provide any details about what makes the process “complicated and extensive,” or long.

The parties both described how their relationship has been primarily conducted over telephone and social media because of the distance between them. Yet, the Petitioner provides minimal evidence to establish that the parties have been in a romantic relationship for years, and that shortcoming is compounded by material inconsistencies about when their romantic relationship began. In the Petitioner’s statement, she writes that she accepted the Beneficiary’s Facebook “friendship” request in July 2017. By contrast, the Beneficiary’s statement notes “we met on Facebook in March 2018.” The Petitioner’s statement is also inconsistent with the Facebook post she submits because her statement states that she accepted the Beneficiary’s Facebook friendship request, however the screenshot shows she wrote the Beneficiary “[t]hank you [redacted] for accepting me as a friend” and the

Beneficiary responds, “you’re welcome.” If the Petitioner accepted the Beneficiary’s friendship request, the screenshot shows the exact opposite and we cannot reconcile this discrepancy with other evidence in the record. In addition, there is no date on this Facebook screenshot to establish when the parties’ social media connection began.

We have reviewed all other evidence and find that it is insufficient to establish the bona fide intent of the parties to marry within 90 days of the Beneficiary’s entry into the United States.

### III. CONCLUSION

The evidence of record is sufficient to overcome the single ground stated in the Director’s decision denying the petition. However, it is not sufficient to satisfy the remaining eligibility requirements. The matter will therefore be remanded to the Director to consider all the evidence and enter a new decision. The Director may request any additional evidence considered pertinent to the new determination and any other issue. We express no opinion regarding the ultimate resolution of this case on remand.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.