U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 15320246

Date: MAY 11, 2021

Appeal of 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.[1] A U.S. citizen may petition to bring a fiancé(e) 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 Beneficiary's intent to marry under section 214(d) of the Act.

On appeal, the Petitioner asserts the Director erred and submits additional evidence. 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.

Foreign language documents submitted in support of the petition must be accompanied by a full English translation which has been certified by a competent translator to be complete and accurate.[2]

II. ANALYSIS

The Petitioner filed the fiancé(e) petition on January 14, 2020. The Director issued a request for evidence (RFE) explaining, in part, that the Petitioner had not established the Beneficiary's intent to marry. The Director asked for details regarding how the parties met and established the relationship, and specifically requested evidence from the Beneficiary that she plans to marry the Petitioner within 90 days of her admission to the United States. The Director stated, "[e]vidence of the [B]eneficiary's

[1] 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).

[2] 8 C.F.R. § 103.2(b)(3)

intent may be a signed statement from the [B]eneficiary, wedding preparations or other evidence that clearly establishes her intent to marry."

The Petitioner's response to the RFE included his letter of intent, explaining how the parties met, ticket stubs evidencing his travel to Cuba in October 2019, and an untranslated and undated document that appears to be authored by the Beneficiary. The decision denying the petition explained that the Petitioner did not submit sufficient evidence to establish the Beneficiary's intent to marry and that without a translation, the evidentiary significance of the submitted untranslated document cannot be determined. On appeal, the Petitioner provides another letter of intent, authored by himself, describing his wedding plans. He also includes a ticket stub evidencing travel to Cuba in June 2019. However, an explanation of the untranslated document or evidence from the Beneficiary herself articulating her intention to marry the Petitioner within 90 days of her admission into the United States, or other evidence indicative of the same, was not included in the record.

For this reason, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant.

III. CONCLUSION

The Petitioner has not established that the parties have a bona fide intent 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 pursuant to section 214(d)(1) of the Act. We note, however, that the denial of this petition is without prejudice to the filing of another fiancé(e) petition at a future date once the statutory requirements are met.

ORDER: The appeal is dismissed.