



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 9454637

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.<sup>1</sup> 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 include sufficient evidence showing the Beneficiary's bona fide intent to marry the Petitioner. On appeal, the Petitioner presents evidence relating to the Beneficiary's marital status and the parties' intent to marry.

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.

## II. ANALYSIS

Upon review of the record in its totality, we conclude that the Petitioner has not established that the Beneficiary is legally able to conclude a valid marriage and has thereby not met the eligibility grounds for approval of a fiancé(e) petition pursuant to Section 214(d)(1) of the Act.<sup>2</sup>

The Petitioner filed the petition to classify the Beneficiary as a fiancée in February 2019. The Director issued a request for evidence (RFE) informing the Petitioner that the Beneficiary had applied for a nonimmigrant visa in December 2018 listing a Russian citizen as her spouse. The RFE called for

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<sup>1</sup> 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).

<sup>2</sup> The Petitioner submitted documentation to support the fiancé(e) petition, including evidence regarding their bona fide intent to marry. Although we may not discuss every document submitted, we have reviewed and considered each one.

documentation to establish the parties' bona fide intent to marry. In denying the petition, the Director found the Petitioner had demonstrated his bona fide intent to marry but not the Beneficiary's, as the Petitioner had not explained the circumstances around the Beneficiary's marriage in his response to the RFE. On appeal, the Petitioner explains that he did not address the Beneficiary's marriage because a marriage did not exist. The Petitioner submits an email from the Beneficiary expressing her intent to marry the Petitioner and a document entitled, "Certificate of No Record of Marriage."

The certificate was issued by the "Office for Generation, Keeping, Management, and Use of Archival Records of the Department of Information Technology and Agency Archive of the Civil Registration Committee of the Government of [redacted]" for the period of November 25, 2014 through September 2, 2019. However, according to the U.S. Department of State's "Russian Federation Reciprocity Schedule," civil documents, including marriage and divorce records are issued by the Bureau of Acts of Civil Status.<sup>3</sup> The Petitioner does not explain how he obtained the certificate and does not provide details as to why the document is only dated back to 2014. Without additional corroboration, the certificate lacks probative value to contradict the Beneficiary's declaration on her visa application that she has a spouse.

The Petitioner further asserts that the Beneficiary was divorced in [redacted] 2018 and "[i]t's not possible for [the Beneficiary] to have two marriages at the same time," and submits a divorce application filed by a Canadian citizen to divorce the Beneficiary.<sup>4</sup> However, the Beneficiary's previous marriage ceremony to the Canadian citizen took place in [redacted] a city in the Republic of Cyprus. If the Beneficiary did not register this marriage in Russia, there would be no documentation of two marriages.

The Petitioner also asserts on appeal:

Apparently, the agency that prepared her document for the visitor visa thought it wasn't strong enough to be approved and added the information after she signed it. . . . [The Beneficiary] did not re-examine the document to find any changes. Also, the agency would be owed a bonus if she got the visitor visa.

However, the Petitioner does not provide support for his assertions, e.g., evidence that an agency assisted the Beneficiary to file the nonimmigrant visa application, an explanation for how an online submitted application could be altered after signature,<sup>5</sup> etc. Notably, in the email submitted on appeal, the Beneficiary does not comment on her prior marriages or the accuracy of the information on her visa application. A petitioner must resolve inconsistencies in the record with independent, objective evidence pointing to where the truth lies.<sup>6</sup> The record does not provide sufficient probative evidence to

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<sup>3</sup> See Russian Federation Reciprocity Schedule, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/RussianFederation.html>.

<sup>4</sup> The Canadian citizen and the Russian citizen are two different individuals. Further, the Petitioner previously submitted a divorce order for the marriage with the Canadian citizen.

<sup>5</sup> According to the U.S. Department of State's visitor's visa application process, an applicant completes an online visa application. See Visitor Visa, <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visitor.html#apply>.

<sup>6</sup> See Matter of Ho, 19 I&N Dec. 582, 591-592 (BIA 1988).

establish that the Beneficiary has the ability to marry and consequently undermines the Beneficiary's bona fide intent to marry the Petitioner.<sup>7</sup>

### III. CONCLUSION

The Petitioner has not demonstrated that the Beneficiary has the ability to marry and therefore has not established the statutory and regulatory requirements for classifying the Beneficiary as a K nonimmigrant.

ORDER: The appeal is dismissed.

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<sup>7</sup> Doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.*