



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

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

In Re: 22602780

Date: DEC. 15, 2022

Appeal of California Service Center Decision

Form I-129, 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(e) 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 sufficient evidence to establish that the parties have a bona fide intent to get marry. On appeal, the Petitioner submits additional evidence.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

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).

II. ANALYSIS

The Director determined the evidence was insufficient to establish the parties' bona fide intent to enter into a valid marriage and denied the petition. The Director reached this conclusion for two reasons. First, the Petitioner provided two versions of her plans for a wedding. In one version, the Petitioner explained that she wishes to get married in the United States with her friends and her grandmother present. In the other, she states she intends to get married in a civil ceremony in the United States and have a celebration with her family at a restaurant. On appeal, the Petitioner provides a detailed explanation for her wedding plans once the Beneficiary enters the U.S. Her explanation is consistent with the personal and family circumstances she describes, and overcomes the Director's concerns regarding any inconsistencies in her prior statements.

The Director questioned the parties' bona fide intent to marry because the Beneficiary's uncle introduced the Petitioner to the Beneficiary and the parties explained that the Beneficiary would live and work with his uncle, until the parties got married. On appeal, the Petitioner explains that they intend to live apart until they get married within 90 days of the Beneficiary's entry to the United States. The Beneficiary's uncle corroborates that the families' religious and cultural beliefs prohibit the parties from living together until after they are married. These detailed and probative statements are consistent and overcome the Director's concerns.

We find that the Petitioner has established, by a preponderance of the evidence, the parties' bona fide intent to marry. The record contains substantial evidence that the couple has established a romantic bond and that both parties have an intent to marry. This evidence includes numerous affidavits, photographs, evidence of the Petitioner's trip to the Beneficiary, and evidence of phone chat communications between the parties. Because the Petitioner provided detailed and credible statements with supporting evidence addressing the concerns raised by the Director, the record contains sufficient detailed, probative evidence to overcome that concern and the Petitioner has met her burden.

III. CONCLUSION

The evidence of record is sufficient to overcome the Director's single ground for denying the petition. However, we will remand the matter to the Director to consider any remaining requirements and enter a new decision. The Director may request any additional evidence considered pertinent to the new determination, and we express no opinion regarding the ultimate resolution of this case on remand.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.