



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 19633567

Date: JAN. 5, 2022

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 fiancée 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 Petitioner did not provide sufficient evidence to establish that he and the Beneficiary have a bona fide intent to marry each other within 90 days of her admission into the United States. On appeal, the Petitioner provides an explanation in rebuttal to the Director's reasons for denial.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter de novo. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). 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 the two-year period preceding the filing of the 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).

II. PERTINENT FACTS AND PROCEDURAL BACKGROUND

The Petitioner filed the current petition on January 30, 2020. The Director determined that the Petitioner did not establish the statutory and regulatory requirements for classifying the Beneficiary

as a K-1 nonimmigrant and issued a request for additional evidence (RFE). Specifically, the RFE requested, in part, evidence of the Petitioner's and Beneficiary's bona fide intent to marry. To demonstrate the Petitioner's and Beneficiary's intent to marry, the Director stated that evidence could include, inter alia, details regarding their first meeting and engagement, evidence of ongoing correspondence, information regarding their wedding and reception plans, indicia of financial support, and evidence of subsequent trips to visit one another. The Petitioner's response included, a statement explaining the couples' bona fide intent to marry, the Petitioner's divorce documents, the Petitioner's remittances to the Beneficiary, and message and call records between the parties.

The Director determined that the Petitioner's RFE response did not establish that he and the Beneficiary had a bona fide intent to marry. Specifically, the Director highlighted the following issues: (1) the rapid sequence of events from the Petitioner's divorce to his engagement with the Beneficiary; (2) the Petitioner's statements that he met the Beneficiary's parents even though the fiancé(e) petition indicated both of her parents are deceased; (3) information in the Petitioner's remittances indicating he shared a residence with his ex-wife; and (4) lack of evidence providing insight into the parties' relationship or marriage plans.

On appeal, the Petitioner reiterates his earlier claims that his relationship with the Beneficiary is bona fide and that they intend to marry within 90 days of her entry into the United States. The Petitioner provides explanations regarding to whom he was referring when he referenced the Beneficiary's "parents" and why his remittances indicated he shared a residence with his ex-spouse. Regarding the quick engagement, the Petitioner argues that he had the right to marry as soon as the divorce was final.

III. ANALYSIS

For the reasons discussed below, we conclude that the Petitioner has not satisfied the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. In particular, we find two separate factors independently bar approval of this petition: (1) inconsistent evidence in the record; and (2) the Petitioner's failure to establish the couple's bona fide intention to marry.

A. Inconsistent Evidence in the Record

We observe discrepancies in the record that undermine the overall credibility of this petition. As mentioned, the fiancé(e) petition indicates that both of the Beneficiary's parents are deceased. However, in his RFE response, the Petitioner stated that he went to the Beneficiary's "home to meet with her parents." The Petitioner asserts his testimony did not contradict his statement made in the petition, and that the apparent discrepancy reflects a cultural misunderstanding over what is meant by the Beneficiary's "parents." He explains that in Hmong culture, the term "parents" encompasses the entire family, and that he calls the Beneficiary's family her "parents" as a gesture of respect. Although the Petitioner has provided an explanation, he has not provided any evidence that the term "parents" in Hmong culture includes any other familial relations beyond the mother and father. Without more probative evidence, this explanation is not sufficient to overcome the inconsistency.

Moreover, the address the Petitioner listed in the petition differs from the address provided on his remittances. The address provided on the remittances is the residence he shared with his ex-wife, and where his ex-wife still lives. The Director concluded that these addresses were inconsistent and that

the remittance receipts indicate the Petitioner is still living with his ex-wife. The Petitioner argues that the account he uses to send remittances was established prior to his divorce, and that his former address appeared on the remittance receipts automatically. The Petitioner asserts that he has updated his current address to the remittance account. However, once again, the Petitioner has not provided any probative evidence to substantiate this assertion. For example, the Petitioner has not provided any evidence verifying his current, claimed address or that he lives separately from his ex-wife. Without more evidence, the Petitioner's arguments are unpersuasive and do not rebut the Director's conclusion.

The Petitioner must resolve inconsistencies with independent, objective evidence pointing to where the truth lies. See *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.*

These inconsistencies raise significant doubts as to the overall credibility of this petition and, for this reason alone, we conclude that the Petitioner has not established the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. Even if we were to set these inconsistencies aside, we would still dismiss the appeal because the Petitioner has not established that he and the Beneficiary have a bona fide intention to marry.

B. Bona Fide Intent to Marry

In order for a fiancé(e) petition to be approved, a petitioner must provide evidence that the petitioner and beneficiary have a bona fide, or genuine, intent to marry. The intended marriage cannot be for the sole purpose of obtaining an immigration benefit.

The initial submission contained statements from the Petitioner and Beneficiary regarding their intent to marry each other within 90 days of arriving in the United States. While these statements may signal the parties' intent to marry, here the statements alone are not sufficient to demonstrate that their intentions are in fact bona fide.

According to the record, the Petitioner and Beneficiary met on November 25, 2019 and entered an "official engagement" three weeks later on December 15, 2019. Besides the Petitioner's statements, the record only contains one engagement photo, which alone does not sufficiently demonstrate their bona fide marriage intent or explain the quick engagement. The messages between the Beneficiary and Petitioner and the remittances are dated months after the fiancé(e) petition was submitted and do not establish the parties have maintained ongoing correspondence throughout their relationship. Also, the messages provide scant insight into their relationship and do not include any substantive communication or indication of marriage. In addition, the record does not include information that the Petitioner or Beneficiary have discussed any wedding plans or preparations. In sum, the Petitioner did not provide sufficient evidence that the Petitioner and the Beneficiary have a bona fide intent to marry. As such, the Petitioner has not satisfied the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant by a preponderance of the evidence.

IV. CONCLUSION

The Petitioner has provided inconsistent evidence throughout the record. Nor has the Petitioner established that the parties have a bona fide intent to marry within 90 days of the Beneficiary's admission into the United States. As such, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant.

ORDER: The appeal is dismissed.