



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

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

In Re: 16315025

Date: JAN. 13, 2022

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. *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 Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the Petitioner did not submit sufficient evidence to establish that the Petitioner and Beneficiary have a *bona fide* intent to marry because the evidence submitted contained material inconsistencies regarding when the couple met, and how their relationship progressed. On appeal, the Petitioner argues that the Director erred.

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 a 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 a beneficiary's arrival. *See Matter of Souza*, 14 I&N Dec. 1 (Reg'l Comm'r 1972).

A petitioner must resolve inconsistencies and discrepancies in the record with independent, objective evidence pointing to where the truth lies. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

## II. ANALYSIS

The Director concluded that the Petitioner's account of her relationship with the Beneficiary conflicted with numerous material statements made and documents submitted in prior petitions, such that the

petition could not be approved unless these inconsistencies were resolved. We acknowledge that in several petitions filed on behalf of the Beneficiary and her two children, the Petitioner claims that the Beneficiary is their biological father. However, the numerous material inconsistencies noted in the Director's decision cast significant doubt regarding the Petitioner, and the Beneficiary's intent to enter into a *bona fide* marriage, because the true nature of their relationship is not clear.

The Director noted that the Petitioner provided several different accounts of who took care of her children after she came to the United States. In one account, the Petitioner described that after she came to the United States, she never lost touch with the Beneficiary, because he returned to Liberia with their two children, and that together they decided she should bring their children to live in the United States. In another account, the Petitioner described that the Beneficiary's family took care of her children after she came to the United States because the Beneficiary had returned to Liberia, and they had lost touch. The Petitioner's sister explained in a 2008 statement that the Beneficiary's whereabouts were not known to the Petitioner for three years, which would include the period from 2005 to 2008. Finally, in a statement provided by the Beneficiary, he claimed that "[w]e were not in constant communication until [the Petitioner] traveled to the United States . . . ." As noted by the Director, the various inconsistent accounts regarding the Petitioner and Beneficiary's communications during the course of their relationship, have not been resolved.

On appeal, the Petitioner does not address or attempt to resolve the inconsistencies, but instead argues that the Director erred by referring to evidence and testimony contained in prior petitions filed by the Petitioner. The Petitioner argues that this is improper, but she does not cite to any legal authority to support her assertion. The Director issued a Notice of Intent to Deny (NOID) citing these inconsistencies and providing the Petitioner with an opportunity to respond to them, which she declined to do. On appeal, the Petitioner similarly elects not to resolve them. Therefore, we are unpersuaded by the Petitioner's assertions and arguments, and see no reason of fact or law to reverse the Director's determinations.

On appeal, the Petitioner appears to argue that it is not her burden to address the material inconsistencies found in other petitions she has filed because they do not bear on her eligibility for the benefit requested here. Again, the Petitioner cites to no legal authority for this assertion. We disagree with the Petitioner's apparent assertion that she can simply ignore unresolved material inconsistencies after they have been identified, simply because she made them in a prior application, or that the Director's viewing of other records was improper. The inconsistencies identified by the Director bear directly on the *bona fides* of her relationship with the Beneficiary, and she has now twice declined to address, let alone resolve, them.

Finally, the Petitioner points out that the Director provided an incomplete list of the documents submitted by the Petitioner in support of her petition. We agree. However, the Director's decision does include a full *analysis* of the relevant documents contained in the record. Therefore, the failure to list the documents was a harmless typographical error.

In sum, the inconsistencies identified by the Director regarding the Petitioner's relationship to the Beneficiary have not been resolved on appeal. As such, the record of proceeding as currently constituted does not establish by a preponderance of the evidence that the Petitioner and Beneficiary have an intent to enter into a *bona fide* marriage. The petition, therefore, must remain denied.

### III. CONCLUSION

For the foregoing reasons, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K nonimmigrant.

**ORDER:** The appeal is dismissed.