



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

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

In Re: 20592561

Date: JUN. 07, 2022

Appeal of California Service Center Decision

Form I-129F, Petition for Alien Fiancé(e)

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as her fiancé. Immigration and Nationality Act (the Act) section 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). A U.S. citizen may petition to bring a fiancé(e) to the United States in K nonimmigrant visa status for marriage. The U.S. citizen must establish that the parties have previously met in person within two years before the date of filing 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 90 days of admission.

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Beneficiary intended to marry the Petitioner within 90 days of entering the United States. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

A petitioner for a noncitizen fiancé must establish, among other things, that the parties have a *bona fide* intention to marry within 90 days of the fiancé's admission to the United States. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

II. ANALYSIS

The issue on appeal is whether the record establishes the Beneficiary's *bona fide* intent to marry the Petitioner. When adjudicating the underlying case, the Director sent a request for evidence (RFE) to the Petitioner asking for, among other things, evidence of this *bona fide* intent. Suggested evidence included a signed statement from the Petitioner and the Beneficiary, evidence of wedding preparations, evidence of ongoing communications, correspondence discussing the Petitioner and Beneficiary's future and/or marriage, evidence of financial support, evidence of meetings between the Petitioner and Beneficiary, evidence of an engagement ceremony, evidence that the Petitioner and/or Beneficiary's friends are aware of the relationship, birth certificates of children born to the relationship, or any other

evidence that would establish a mutual intent to conclude a valid marriage within 90 days of the Beneficiary's admission to the United States.

In response to the RFE, the Petitioner submitted passport entry and exit stamps showing travel to Liberia, pictures of text messages between the Petitioner and the Beneficiary, affidavits from two of the Petitioner's coworkers stating that the Petitioner travelled to meet the Beneficiary in Liberia, undated photographs of the Petitioner and Beneficiary together, and evidence of wire transfers of money from the Petitioner to the Beneficiary.

The Director found that the evidence of the Petitioner's financial support of the Beneficiary was sufficient to establish her intention to marry the Beneficiary within 90 days of his entry into the United States. On appeal, the Petitioner also provides an affidavit stating her intention to marry the Beneficiary. The affidavit is sufficient to demonstrate her *bona fide* intention to marry the Beneficiary.

The Director further found that there was insufficient evidence to demonstrate that the Beneficiary intended to marry the Petitioner. On appeal, the Petitioner submits a statement claiming that the Director's RFE "didn't mention that on the first two pages of the letter of documentation of evidence that I should submit." To support this claim, the Petitioner submits a copy of the RFE that is missing the second page, which is where the Director explained what evidence could be submitted to demonstrate an intent to marry.

The record includes a copy of the original RFE that was sent to the Petitioner, which she sent back to the California Service Center along with her response. This copy is complete and includes the second page of the RFE. We further note that the second page also included the Director's request for a passport-style photo of the Petitioner. The Petitioner submitted such a photograph in response to the RFE, indicating that she had read the second page of the RFE. The record indicates that the RFE sent to the Petitioner was complete and included the request for evidence of intent to marry, as well as suggested evidence that could be provided to demonstrate this intent.

As noted above, on appeal the Petitioner provided an affidavit stating her intention to marry the Beneficiary within 90 days of his entry into the United States. However, the record does not contain such a statement from the Beneficiary. The text messages provided do not mention or discuss an engagement or marriage, and the affidavits from the Petitioner's coworkers only state that they are aware that the Petitioner is communicating with the Beneficiary and visited him in Liberia. There is no documentation in the record of an engagement ceremony or wedding plans between the Petitioner and the Beneficiary. Therefore, the Petitioner has not met her burden to establish that the Beneficiary has a *bona fide* intent to marry her within 90 days of entering the United States.

ORDER: The appeal is dismissed.