



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

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

In Re: 22222223

Date: OCT. 18, 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 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 marry. On appeal, the Petitioner asserts that the Director erred.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review 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 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); *see also* 8 C.F.R. § 103.2(a)(1) (providing that "[e]very form, benefit request, or other document must be submitted . . . and executed in accordance

with the form instructions” and that a “form’s instructions are . . . incorporated into the regulations requiring its submission”).

II. ANALYSIS

The Petitioner filed the instant fiancé(e) petition in July 2019. The Director issued two requests for evidence (RFE). The first RFE requested evidence to establish the Beneficiary’s age, and that the parties had met during the two-year period immediately preceding the filing of the petition. The second RFE requested evidence establishing the parties’ mutual *bona fide* intent to marry. In response to the second RFE, the Petitioner submitted affidavits from his mother and brother, email confirmations of moneygrams he sent to the Beneficiary, and the couple’s social media chat records.

The Director denied the petition finding the evidence insufficient to establish the parties’ intent to enter into a *bona fide* marriage. In particular, the Director discounted the two affidavits because they were too similar, and contained “boilerplate” language. Furthermore, the Director found the social media chat records lacking in probative value because the messages were primarily video or audio calls and not written communications that could be read or understood. Finally, as it relates to the moneygrams, the Director noted “the e-mails provided do not show if the money was ever sent or received by the beneficiary.”

On appeal, the Petitioner does not submit any additional documentation or evidence. Instead, the Petitioner points out that the Director’s decision failed to consider other evidence submitted in response to the first RFE. Specifically, a February 2020 statement explaining how the couple first met. We have reviewed this statement however, we find the statement is insufficient to establish the parties’ *bona fide* intent because it is not signed by the Petitioner, but by someone named [REDACTED]. Furthermore, no explanation is provided to explain why the Petitioner submitted a first-person account of how he met the Beneficiary, signed by someone other than himself.

We acknowledge the photographic evidence, the parties’ statements of intent to marry (both dated July 2019), the evidence showing moneygrams were sent from the Petitioner to the Beneficiary, the Petitioner’s mother and brother’s affidavits, as well as the social media chat message exchanges. However, we agree with the Director’s assessment of the evidence that it is insufficient to establish a *bona fide* intent to marry. For instance, as the Director pointed out, the voluminous evidence showing chat message exchanges between May 2019 and January 2021 are mostly empty and have audio files or video calls or files, which display no content. Moreover, some of the messages appear to be from an individual named [REDACTED] which is not the Beneficiary’s name, and it has not been established that the Beneficiary goes by the name [REDACTED]. Furthermore, the Petitioner states that he met the Beneficiary in April 2018, but none of the message exchanges show contact between the parties before May 2019. We further note that the Petitioner’s mother and brother’s statements also claim that the parties met in April 2018 and began communicating via social media chat at that time. Thus, almost of full year of their relationship is unaccounted for in these messages, which coupled with the lack of content and the inclusion of what appears to be a third party into the conversation, lowers the probative value of the messages.

Additionally, we reviewed the email confirmations of moneygrams sent to the Beneficiary in Laos and agree with the Director that they do not establish the Beneficiary actually received the money.

Furthermore, the Petitioner appears to have begun sending moneygrams to the Beneficiary in May 2019, which is the same time period in which the social media chat messages began. However, as stated above, the Petitioner asserts his relationship to the Beneficiary began before that time, in April 2018, and no explanation is provided to show why he did not send her moneygrams between April 2018 and May 2019 or how they maintained their relationship prior to May 2019. Finally, we reviewed the statements provided by the Petitioner's mother and brother. As the Director noted, these statements are nearly identical, and do not provide further context to establish the parties' intent to enter into a *bona fide* marriage. Furthermore, because the February 2020 statement is signed by someone who is not a party to this petition and because no explanation has been provided to resolve the inconsistency, the discrepancy undermines the overall credibility of the other evidence submitted with the petition. As such, the Petitioner has not met his burden. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (concluding that inconsistencies in the record must be resolved by independent, objective evidence pointing to where the truth lies.) Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.*

For the foregoing reasons, the appeal is dismissed.

ORDER: The appeal is dismissed.