



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

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

In Re: 21945823

Date: SEP. 12, 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 his fiancée. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i). 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. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the parties have a *bona fide* intention to marry.

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 withdraw the Director's decision and remand the matter for the issuance of a new decision.

I. LAW

In order to classify a beneficiary as their fiancé(e), a petitioner must establish, among other requirements, that both parties have a *bona fide* intention to marry within 90 days of the fiancée's admission to the United States. Section 214(d)(1) of the Act.

II. ANALYSIS

In his initial filing, the Petitioner provided a Laotian Engagement Record, the Beneficiary's birth certificate and Certificate of Single Status, evidence that he travelled to the Beneficiary's home country of Laos in 2019, and undated photographs of him and the Beneficiary together. The Petitioner stated that he met the Beneficiary in Laos in 2011 and that they became engaged when he travelled there in 2014.

The Director of the California Service Center issued a request for evidence, requesting more documentation of the Petitioner and Beneficiary's intention to marry, such as further information about

how they met and became engaged, documentation of the engagement ceremony, correspondence between the parties, wedding plans, evidence of financial support, or evidence that the parties' friends or family are aware of the relationship. In response, the Petitioner provided affidavits from himself and two of his coworkers, evidence of his last trip to Laos, an employment verification letter from his employer, and more photographs. He also resubmitted much of the material from his initial filing.

The Director denied the petition, finding that the documentation provided was insufficient to demonstrate the parties' *bona fide* intention to marry. On appeal, the Petitioner provides a cover letter, a letter from the Beneficiary's sister, a letter from the Beneficiary, and receipts of wire transfers from the Petitioner to the Beneficiary.

The new evidence submitted on appeal is material to the Petitioner's eligibility, and it was not before the Director at the time the decision was issued. Therefore, we will remand the matter for the Director to consider this new evidence in the first instance and determine whether the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant have been met. The Director may request any additional evidence considered pertinent to the new determination. We express no opinion regarding the ultimate resolution of this case on remand.

We note that any document submitted to U.S. Citizenship and Immigration Services which contains a foreign language must be accompanied by a full English language translation. The translator must certify that the translation is complete and accurate and that they are competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3). The Engagement Record, the Beneficiary's birth certificate, and the Beneficiary's Certificate of Single Status are all in a foreign language and accompanied by English language translations. Each of these translations has a stamp stating that they were written by a licensed translation company, but there is no specific certification that the translations are complete and accurate or that the translator is competent to translate from the foreign language to English. Because the Petitioner did not submit a properly certified English language translation of the documents, we cannot meaningfully determine whether the translated material is accurate and thus supports the Petitioner's claims. *Id.* On remand, the Petitioner must submit properly certified translations for the foreign-language documents included in the record.

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