



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

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

In Re: 20271523

Date: SEP. 19, 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. 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 fiancée 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 parties met in person in the two years preceding the filing date of the petition or the Beneficiary's *bona fide* intention to marry the Petitioner.

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

In order to classify a beneficiary as their fiancé(e), a petitioner must establish that both parties have met in person in the two years preceding the date of filing the petition, have a *bona fide* intention to marry within 90 days of the fiancée's admission to the United States, and are legally able and actually willing to conclude a valid marriage at that time. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

II. ANALYSIS

A. *Bona Fide* Intention to Marry

In his initial filing, the Petitioner submitted four undated photographs of him and the Beneficiary, passport stamps showing his travel to the Beneficiary's home country of Haiti, and a statement on his Form I-129F, Petition for Alien Fiancé(e), that he was in a relationship with the Beneficiary before moving to the United States and that he has travelled to meet her.

The Director issued a request for evidence (RFE) requesting evidence of the parties' *bona fide* intention to marry, such as documentation of wedding plans, ongoing communication, or financial support, signed statements from the parties, or evidence that friends and/or family members are aware of the relationship. In response to the RFE, the Petitioner provided photographs of him and the Beneficiary, together with handwritten annotations indicating when and where they were taken, and passport stamps and airline reservation information regarding travel to Haiti. The Director denied the petition, finding that this evidence was insufficient to demonstrate the Beneficiary's intent to marry the Petitioner.

On appeal, the Petitioner submits a statement which states that he and the Beneficiary have been together since 2006, but that he had to become a U.S. citizen in order to bring her to the United States.¹ The statement further states that the Petitioner fears for the Beneficiary's safety in Haiti, and that the included documentation of his financial support should demonstrate that he is in a relationship with the Beneficiary. The appeal also includes a statement from the Petitioner's sister-in-law, stating that she has known about the parties' relationship for over 15 years and that she has gone shopping with the Petitioner to find gifts for the Beneficiary.

To support these statements, the Petitioner submits records of money transfers received by the Beneficiary from December 2020 to January 2021; wire transfer receipts from 2018;² a Florida Certificate of Title showing that the Petitioner purchased a car; and a dock receipt showing that he shipped the car in August 2020 with a destination of "CAP."

The totality of the record does not establish the Beneficiary's *bona fide* intention to marry the Petitioner. Despite the Petitioner's claim that the relationship has been ongoing for over 15 years, the record does not contain documentation of any direct communication between the Petitioner and the Beneficiary. The money transfer records from 2020 and 2021 do not indicate who sent the money to the Beneficiary, and the wire transfer receipts from 2018 show that the sender was the Petitioner's mother. The shipping information for the car does not indicate who ultimately received it. Finally, the record does not contain any statement from the Beneficiary regarding her intention to marry the Petitioner.

We acknowledge the statements from the Petitioner and his sister-in-law regarding the length of the relationship between the Petitioner and the Beneficiary. However, these statements do not indicate when the parties decided to marry, whether they have wedding plans, or any other information regarding the Beneficiary's intention to marry the Petitioner. While the photographs indicate that the Petitioner and Beneficiary have met in person on an unidentified date, they do not establish that the Beneficiary has a *bona fide* intention to marry the Petitioner within 90 days of entering the United States. See section 214(d)(1) of the Act.

¹ The record indicates that the Petitioner became a naturalized U.S. citizen in 2016. The underlying petition was filed in 2020.

² It is noted that some of these receipts were partially illegible and, therefore, they are not credible evidence.

B. In-Person Meeting Requirement

Because the issue of a *bona fide* intention to marry is dispositive in this case, we will not address the issue of whether the parties met in person in the two years preceding the filing of the petition and hereby reserve it. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”); *see also Matter of L-A-C-*, 16 I&N Dec. 516, 526 n. 7 (BIA 2015) (declining to reach alternative issues on appeal where a petitioner or applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established by a preponderance of the evidence that the Beneficiary has a *bona fide* intention to marry him within 90 days of the Beneficiary’s admission to 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.