



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

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

In Re: 29751471

Date: MAR. 5, 2024

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 petition, concluding that the record did not establish that the parties have a bona fide intent to marry. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

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. An applicant or petitioner must establish that she or he is eligible for the requested benefit at the time of filing the application or petition. 8 C.F.R. § 103.2(b)(1).

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").

The Director denied the petition because the Petitioner did not submit evidence of the Beneficiary's bona fide intent to marry within 90 days of her entering the United States. On appeal, the Petitioner has overcome, by a preponderance of the evidence, the Director's stated ground for denial. As such, we will withdraw the decision and remand the matter for further consideration.

With the initial petition, the Petitioner provided proof of her and the Beneficiary's divorces from their previous spouses, and her letter of intent to marry the Beneficiary. In response to the Director's request for evidence (RFE), the Petitioner provided photographs of their engagement rings and of the parties together. The Director correctly noted that the chat messages could not be considered as evidence because they were not translated into English as required by the regulations.<sup>1</sup> Notwithstanding this concern, the Petitioner's RFE response explained the circumstances of her engagement to the Beneficiary and described their period of courtship and provided more details about their plan to have a court marriage. She explained that from 2019 to the present, the parties met on two occasions in Turkey, that they did not meet during the period from 2020 to 2022, in part because of COVID-19, and that they planned to meet again in the summer of 2023.

On appeal, she provides a statement noting that to obtain a marriage license in [redacted] California, both she and the Beneficiary must apply in person, and that they will do so after the Beneficiary enters the United States.<sup>2</sup> She also provides more details about her plans to marry the Beneficiary and submits the Beneficiary's signed letter of intent to marry the Petitioner. In addition, she provides communications between the parties, in English, which attest to their emotional connection.

Upon review of the record in its totality, the evidence appears sufficient to establish the mutual intent of the parties to enter into a bona fide marriage, by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76.

Because the evidence is sufficient to overcome the single ground stated in the Director's decision and appears sufficient to satisfy the remaining eligibility requirements, the matter will be remanded to the Director to consider all the evidence and enter a new decision. The Director may request any other evidence considered pertinent to the new decision and any other issues. We express no other opinion regarding the ultimate resolution of this petition.

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

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<sup>1</sup> The regulation found at 8 C.F.R. § 1003.33 covers the requirement that an English language translation must be provided for any foreign language document. It states: Any foreign language document offered by a party in a proceeding shall be accompanied by an English language translation and a certification signed by the translator that must be printed legibly or typed. Such certification must include a statement that the translator is competent to translate the document, and that the translation is true and accurate to the best of the translator's abilities.

<sup>2</sup> See [redacted] Registrar-Recorder/County Clerk, [https://www.\[redacted\].gov/home/county-clerk/marriage-licenses-ceremonies/general-info/eligibility](https://www.[redacted].gov/home/county-clerk/marriage-licenses-ceremonies/general-info/eligibility).