



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

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

MATTER OF H-P-N-V

DATE: APR. 21, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129F, PETITION FOR ALIEN FIANCÉ(E)

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as her fiancée. *See* 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 (and that person's children) 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, California Service Center, denied the petition, because the Petitioner did not submit all of the required evidence.

The matter is now before us on appeal. In the appeal, the Petitioner states that she does not know why the petition was denied and submits additional evidence.

Upon *de novo* review, the appeal will be dismissed.

## I. LAW

The Petitioner is seeking to classify the Beneficiary as her fiancée.

Subject to subsections (d) and (p) of section 214 of the Act, section 101(a)(15)(K)(i) of the Act provides nonimmigrant classification for an alien who "is the fiancée or fiancé of a citizen of the United States . . . and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission . . . ."

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), states in pertinent part that a fiancé(e) petition

shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 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 a period of

ninety days after the alien's arrival, except that the Secretary of Homeland Security in his discretion may waive the requirement that the parties have previously met in person . . . .

## II. ANALYSIS

The issue in this proceeding is whether the Petitioner has submitted the evidence required to qualify the Beneficiary as her fiancée. The Petitioner asserts that she does not understand why the petition was denied and she submits some, but not all of the required evidence. Specifically, the Petitioner submits a completed Form G-325A for the Beneficiary and passport-style photographs of herself and the Beneficiary. Because the Petitioner has not submitted evidence showing that she and the Beneficiary intend to marry one another within 90 days of the Beneficiary's admission into the United States in K-1 status, we will dismiss the appeal.

The Petitioner states that she does not understand why the petition was denied. The record reflects, however, that the Petitioner was notified of the deficiencies in her application before it was denied. The Petitioner filed the petition with insufficient evidence. The Director then requested additional evidence, including evidence from the Beneficiary of her intent to marry the Petitioner within 90 days of her admission to the United States. In the notice requesting additional evidence and in the denial decision, the Director clearly identified, described, and listed each item of missing and required evidence. The Petitioner subsequently submitted some of the requested evidence, reflecting an understanding of at least part of the Director's request.

The Petitioner must demonstrate a *bona fide* intention to marry. We find that the record lacks a statement from the Petitioner of her intent to marry the Beneficiary within 90 days of the Beneficiary's admission into the United States.

On appeal, the Petitioner states that she and the Beneficiary are engaged, have promised to be there for each other, would like to be together as soon as possible to help each other, and are committed to sharing their lives together. However, the Petitioner does not state, as required, that she intends to marry the Beneficiary within 90 days of her arrival in the United States. The record, therefore, lacks evidence from the Petitioner and Beneficiary of their intent to marry one another within 90 days of the Beneficiary's admission into the United States in K-1 status.

## III. CONCLUSION

It is the Petitioner's burden to establish eligibility for the benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not met that burden. Accordingly, we dismiss the appeal.

**ORDER:** The appeal is dismissed.