



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

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

MATTER OF S-L-P-H-

DATE: JUNE 7, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: 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), 8 U.S.C. § 1101(a)(15)(K). A U.S. citizen may petition to bring a fiancé(e) (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, concluding that the Petitioner had not submitted evidence of the Beneficiary's intent to marry him within 90 days of her admission to the United States. We dismissed a subsequent appeal.

The matter is now before us on a motion to reopen. On motion, the Petitioner resubmits his statement of his intent to marry the Beneficiary.

Upon review, we will deny the motion.

I. LAW

The Petitioner is seeking to classify the Beneficiary as his 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 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 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. It also provides discretionary authority to waive the requirement that the parties have previously met in person.

II. ANALYSIS

The issues on motion are whether the Petitioner submitted evidence indicating that the Beneficiary intended to marry him within 90 days of her entry into the United States and whether the Petitioner and Beneficiary have met in person within two years before the May 19, 2014, filing of the petition. The record does not contain evidence to establish to establish these requirements have been met.

A. Intent to Marry

The Petitioner and Beneficiary must each demonstrate a *bona fide* intention to marry. The Petitioner has provided a statement of his intent to marry the Beneficiary within 90 days of her admission into the United States. However, the record lacks a statement from the Beneficiary or any other evidence to establish her intent to marry the Petitioner within 90 days of her admission into the United States. Thus, the Petitioner has not established the Beneficiary's intent to marry him within 90 days of her admission.

B. In-Person Meeting Requirement

The Petitioner and Beneficiary must have met in person within two years before the date of filing the petition, which in this case is between May 19, 2012 and May 19, 2014. As we stated in dismissing the appeal, the record contains copies of money transfers from the Petitioner to the Beneficiary and a copy of the Petitioner's U.S. passport pages reflecting travel to Haiti in July 2012 and July 2013. However, the record contains no evidence that would demonstrate that the Petitioner and the Beneficiary actually met during those trips. The meeting requirement has therefore not been met.

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. He has not submitted evidence indicating that the Beneficiary intends to marry him within 90 days of her entry into the United States, and he has provided no evidence to establish that he and Beneficiary have met in person within two years before the filing of the petition. Accordingly, we deny the motion.

ORDER: The motion to reopen is denied.

Cite as *Matter of S-L-P-H-*, ID# 16523 (AAO June 7, 2016)