



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

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

MATTER OF D-V-T-

DATE: MAY 2, 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 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 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 90 days of admission.

The Director, California Service Center, denied the petition. The Director concluded the Petitioner had not established the Beneficiary intended to marry the Petitioner within 90 days of her admission into the United States.

The matter is now before us on appeal. In the appeal, the Petitioner submits additional evidence and claims that the Director erred in not taking his letter of intent to marry the Beneficiary into consideration when denying the petition.

Upon *de novo* review, we will dismiss the appeal.

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 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 on appeal is whether the Petitioner has established that the Beneficiary has a bona fide intention to marry him and is willing to conclude a valid marriage within 90 days after her arrival in the United States. On appeal, the Petitioner states that his “Fiancé Letter of Intent” filed with the petition was not taken into consideration, and he states that he is legally able and willing to marry the Beneficiary within 90 days of her arrival in the United States. He submits a copy of instructions on obtaining a marriage license from his local courthouse in support of his claim that he intends to marry the Beneficiary.

The Director denied the petition after issuing a request for evidence of both the Petitioner’s and Beneficiary’s mutual intention to marry within 90 days of the Beneficiary’s admission to the United States, finding the Petitioner had not demonstrated the Beneficiary’s intent to marry the Petitioner as required. We find that although the Petitioner has established he intends to marry the Beneficiary within 90 days of her arrival, he has not submitted evidence of the Beneficiary’s intent to conclude a valid marriage within 90 days after her arrival in the United States.

The Petitioner must demonstrate a *bona fide* intention to marry. The record lacks a statement from the Beneficiary of her intent to marry the Petitioner within 90 days of her arrival in the United States. The record does not contain any statement from the Beneficiary that she intends to marry the Petitioner or other evidence clearly establishing her intent to marry. Although the Petitioner has established he intends to marry the Beneficiary, he must establish that both parties have a bona fide intention to marry and are actually willing to conclude a valid marriage in the United States within a period of 90 days after the Beneficiary’s arrival.

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.

Cite as *Matter of D-V-T-*, ID# 16243 (AAO May 2, 2016)