



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

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

MATTER OF L-C-

DATE: MAY 16, 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 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. Finding that the petition was not accompanied by sufficient supporting evidence, the Director issued a request for evidence (RFE) allowing the Petitioner an opportunity to remedy the deficiency by providing evidence specified in the RFE. The Director determined the documentation supplied in response to be insufficient and denied the petition, accordingly.

The matter is now before us on appeal. In the appeal, the Petitioner provides an updated statement, copies of airline boarding passes, and copies of previously submitted documents.

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

(b)(6)

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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 only issue presented on appeal is whether the Petitioner has provided the missing supporting documents specified in the Director's denial decision. Although noting that the Petitioner has provided documents in support of the appeal, we find among them no Form G-325A or evidence of the parties' mutual intent to marry *within 90 days* of the Beneficiary's U.S. admission. Without this evidence, the petition is not approvable.

The Director found the documentation initially submitted in support of the petition contained insufficient evidence of prior marriage termination, did not show the Petitioner and Beneficiary had met in-person within the two years immediately preceding the April 30, 2015 petition filing, and did not establish the Petitioner's eligibility to marry the Beneficiary or the Beneficiary's intent to marry the Petitioner within 90 days of her admission to the United States. The Director therefore requested that the Petitioner submit evidence to remedy these deficiencies as well as submit passport-style photographs and Forms G-325A, Biographic Information. In response to the RFE, the Petitioner provided divorce papers containing a dissolution order dated [REDACTED] 2006, passport-style photos and the Petitioner's Form G-325A, and evidence the Petitioner visited the Beneficiary in Honduras in 2013 and 2014. Concluding the record did not contain the Beneficiary's Form G-325A or evidence of the Beneficiary's intent to marry within 90 days of admission, the Director denied the petition. On appeal, the Petitioner submits an updated statement describing the circumstances of his first meeting with the Beneficiary and subsequent trips to visit her. We note on *de novo* review that, besides not containing the Beneficiary's Biographic Information form, the evidence is insufficient to establish the parties' mutual intent to marry within 90 days of the Beneficiary's U.S. admission.

The Petitioner must demonstrate a *bona fide* intention to marry. We find that the record lacks statements from both the Petitioner and from the Beneficiary of their mutual intent to marry each other within ninety days of the Beneficiary's admission into the United States. Although the Petitioner's statement indicates his general intent to marry the Beneficiary in the United States, it does not specify that he intends to do so within the relevant 90-day period. The record likewise contains no evidence the Beneficiary intends to marry the Petitioner within this timeframe. Finally, while the Petitioner has provided his own Form G-325A, he has not supplied his fiancée's Biographic Information form.

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.

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ORDER: The appeal is dismissed.

Cite as *Matter of L-C-*, ID# 16312 (AAO May 16, 2016)