



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

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

MATTER OF P-U-W-

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 her fiancé. *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. Finding that the petition was not accompanied by any supporting evidence, the Director issued a notice of intent to deny (NOID) allowing the Petitioner an opportunity to remedy the deficiency by providing evidence specified in the NOID. The Director determined the extensive documentation supplied in response to be insufficient for not including the Beneficiary's Form G-325A, Biographic Information, and denied the petition, accordingly.

The matter is now before us on appeal. In the appeal, the Petitioner acknowledges the prior omission of her fiancé's biographic information form, submits her fiancé's Form G-325A, and requests that the petition be approved.

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

I. LAW

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

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 submitted all documentation required to support a fiancé(e) petition. Although she has provided the missing Form G-325A specified by the Director, the record does not contain evidence of the parties' mutual intent to marry *within 90 days* of the Beneficiary's U.S. admission. The petition is not approvable without this evidence.

The Director found the petition to be deficient for containing none of the supporting documentation listed in the Form I-129F Instructions and, therefore, issued a NOID indicating the evidence required to support a Form I-129F filing. Although the Petitioner provided extensive evidence in response to the NOID, she does not dispute having omitted the Beneficiary's Form G-325A. The Director thus denied the petition. On appeal, the Petitioner submits her fiancé's signed biographic information form. We note on *de novo* review that, although the record now contains the Beneficiary's Form G-325A, 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 Beneficiary'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 Petitioner intends to marry the Beneficiary within this timeframe.

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.