



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

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

In Re: 34052853

Date: SEP. 16, 2024

Appeal of California Service Center Decision

Form I-129F, Petition for Alien Fiancé(e)

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary as a “K-1” nonimmigrant under the fiancé(e) visa classification at section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i).

The Director of the California Service Center denied the petition, concluding that the Petitioner did not establish the Beneficiary’s intent to marry him. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo’s, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the Director’s decision and remand the matter for entry of a new decision consistent with the following analysis.

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if a petitioner establishes that the parties have previously met in person within two years before the date of filing the fiancé(e) 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 90 days after a beneficiary’s arrival.

The Petitioner filed this fiancée petition on July 31, 2023. The Director issued a request for evidence (RFE) to establish that the Beneficiary has a bona fide intent to marry the Petitioner. The Director pointed out that the evidence of her intent was insufficient and provided a list of different forms of evidence that could establish the Beneficiary’s intent. The Petitioner timely responded to the RFE, however he did not provide sufficient evidence to establish her intent to marry him within 90 days of the Beneficiary’s arrival to the United States. Thus, the Director denied the petition on that basis.

On appeal, the Petitioner provides personal statements from him and the Beneficiary, explaining how they met, how their relationship developed, and further details about their intent to maintain their long-distance relationship until such time as the Beneficiary can join the Petitioner in the United States. In addition, the Petitioner provided evidence of his continued travel to visit his family and the Beneficiary in Mexico, as well as his financial support for the Beneficiary through regular remittances. (We note

however, that many of the pages submitted to establish he sends money to the Beneficiary, are not readable.) However, with the additional evidence submitted on appeal, the Petitioner has established, by a preponderance of the evidence, that the parties had dated, gradually becoming more serious, and now wish to marry and live in the United States together. *Matter of Chawathe*, 25 I&N Dec. at 375-76.

As such, because the evidence of record is sufficient to overcome the single ground stated in the Director's decision denying the petition, the matter will be remanded for consideration of all the evidence and entry of a new decision. The Director may request any additional evidence considered pertinent to the new determination and any other issue.

**ORDER:** The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.