



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

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

In Re: 25672621

Date: JAN. 02, 2024

Appeal of California Service Center Decision

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

The Petitioner seeks to classify the Beneficiary as his K-1 nonimmigrant fiancée. Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i). For this classification, the Petitioner must establish that the couple met in person during the two-year period preceding the petition's filing, 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 the Beneficiary's admission. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the parties have a bona fide intention to marry or that the Beneficiary is legally able to marry the Petitioner. The matter is now before us on appeal. 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 dismiss the appeal.

I. LAW

In order to classify a beneficiary as their fiancée, a petitioner must establish, among other things, that both parties have a bona fide intention to marry each other within 90 days of the beneficiary's admission to the United States and are legally able to do so. Section 214(d)(1) of the Act. A bona fide intention to marry cannot be solely for the purpose of obtaining an immigration benefit.

II. ANALYSIS

A. Bona Fide Intention to Marry

The first issue on appeal is whether the Petitioner and Beneficiary have a bona fide intent to marry within 90 days of the Beneficiary's admission to the United States. To establish eligibility, the Petitioner initially submitted letters of intent from himself and the Beneficiary, travel documentation regarding a trip the Petitioner took to meet the Beneficiary in person, and several photographs of the

parties together during this trip. The Director issued a request for evidence (RFE) requesting, among other things, documentation regarding the parties' relationship history and other evidence demonstrating their bona fide intent to marry.

In response to the RFE, the Petitioner provided a letter stating that he met the Beneficiary through a friend, that the parties communicate through Facebook Messenger twice a day, and that the Petitioner sends the Beneficiary money every month. He also provided several photographs of him and the Beneficiary together. The Director denied the petition, noting that this letter was not accompanied by any corroborating evidence of the claimed communications or financial support, and concluding that the provided letters and photographs were insufficient to establish eligibility.

On appeal, the Petitioner provides another letter stating that he and the Beneficiary intend to get married and honeymoon in Las Vegas, Nevada. This letter is accompanied by two wire transfer receipts dated June 2021 and April 2022 and various evidence that was provided in the underlying petition. Upon review, the Petitioner has not overcome the Director's grounds of denial.

First, the wire transfer receipts provided on appeal do not establish eligibility. When determining eligibility under the preponderance of the evidence standard, we examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact the Petitioner seeks to prove is "probably" true. *Matter of Chawathe*, 25 I&N at 376 (citing *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989)). Here, the provided receipts date from well after the petition's March 2020 filing date, and after the Director's December 2020 RFE informed the Petitioner that evidence of financial support could help establish eligibility, which greatly lowers their probative value, especially given the overall record's lack of documentation of any communication or other interactions between the parties.

The Petitioner has not submitted sufficient documentation to support his statements regarding his relationship with the Beneficiary. Apart from the photographs and two wire transfer receipts, the record does not contain any evidence of interaction between the parties over a claimed years-long relationship. In this context, the provided letters of intent are insufficient to establish that the parties have a bona fide intent to marry. *Id.*; section 214(d)(1) of the Act.

B. Beneficiary's Legal Ability to Marry

The second issue on appeal is whether the Beneficiary is legally able to marry the Petitioner. The Director concluded that the Petitioner had not provided acceptable evidence of the Beneficiary's divorce from [REDACTED]. According to the Department State (DOS's) document reciprocity schedule for Laos, "[a] divorce decree must be issued by the court in the district where the couple is resident for a divorce to be final," and "[a] divorce certificate issued by a village or district official that is not a member of the court is not sufficient" for immigration purposes.¹ Here, the Petitioner submitted a document which the English-language translation says was issued by the "Head of District Home Affairs Office." The Director concluded that because this document was not issued

¹ U.S. Dep't of State, Bureau of Consular Aff., *U.S. Visa: Reciprocity and Civil Documents by Country – Lao People's Democratic Republic*, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/LaoPeoplesDemocraticRepublic.html>.

by a court, this was insufficient to document the termination of the Beneficiary's prior marriage and establish that she is legally able to enter into a valid marriage with the Petitioner.

On appeal, the Petitioner resubmits the prior divorce document and translation, along with a statement claiming that this document is official, and noting that it is signed by "the original notary office of Vientiane capital office chief." He further states that he will send the original divorce document if requested by U.S. Citizenship and Immigration Services (USCIS). We acknowledge the Petitioner's statements. However, he has not provided an explanation for why the provided documentation does not comply with the DOS reciprocity schedule or otherwise established that it is an acceptable official record of the Beneficiary's divorce. Therefore, he has not overcome the Director's denial ground and established that the Beneficiary is legally able to marry him.

Furthermore, while not mentioned by the Director, this certificate cannot establish eligibility even if it is the correct official document, because it is not accompanied by an acceptable English-language translation.

Any foreign language document submitted to USCIS must be accompanied by a full English-language translation, as well as a certification from the translator that the translation is complete and accurate and that they are competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3). In this case, the Petitioner submitted the Petitioner's divorce certificate and a translation which is stamped "Certified translation of original, Notary Office of Vientiane Capital, Office Chief," and states the name and telephone number of the translator. However, the document does not certify that the translation is complete and accurate or that the translator is competent to translate from the foreign language into English, and so does not meet the regulatory requirements. *Id.*

Additionally, the translation does not match the original document. The translation is dated "[redacted] 2015" in its upper right corner, which presumably refers to the date of the divorce, but the original document states the year as 2017. Additionally, the translated document cites the "Law on Family Registration, No. 12 . . . Dated [redacted], 2001," but the original document states the relevant year as 2009. Where there are inconsistencies in the record, it is the Petitioner's burden to resolve these inconsistencies using independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.*; see also *Matter of O-M-O-*, 28 I&N Dec. 191, 197 (BIA 2021). Here, the record does not contain any explanation as to why the original divorce certificate and its translation give different dates for when the Beneficiary's divorce occurred, which raises doubts as to the translation's validity. *Matter of Ho*, 19 I&N Dec. at 591-92.

Because the Petitioner was not previously informed of this issue, it does not form a basis of this decision. 8 C.F.R. § 103.2(b)(16)(i) (stating that an unfavorable decision cannot be based on derogatory information a petitioner is unaware of). However, the Petitioner should be prepared to address these concerns regarding the Beneficiary's divorce documentation in any further filings in this matter.

III. CONCLUSION

The Petitioner has not established that he and the Beneficiary have a bona fide intention to marry or that the Beneficiary is legally able to do so. Therefore, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. The petition will remain denied.

ORDER: The appeal is dismissed.