



June 24, 2024

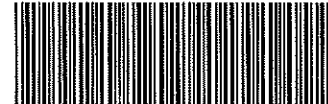
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Nebraska Service Center



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



IOE090



RE: [REDACTED]
I-130, Petition for Alien Relative

NOTICE OF INTENT TO REVOKE

On December 31, 2019, you filed a Form I-130, Petition for Alien Relative, with U.S. Citizenship and Immigration Services (USCIS) on behalf of [REDACTED] (beneficiary). USCIS intends to revoke the approval of your petition for the reason(s) discussed below.

The petition was approved by U.S. Citizenship and Immigration Services (USCIS) on August 7, 2020 and subsequently returned to this office by the Department of State (DOS) because they determined that your marriage to the beneficiary is not bona fide.

The approval of any petition may be revoked for what is deemed to be good and sufficient cause. See the Immigration and Nationality Act (INA) § 205. Good and sufficient cause exists when the evidence of record at the time the notice is issued, if unexplained and unrebutted, would warrant a denial of the visa petition based on the petitioner's failure to meet his burden of proof. *Matter of Esteim*, 19 I&N Dec. 450 (BIA 1987).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. See *Matter of Brantigan*, 11 I&N Dec. 493, 495 (BIA 1966); Title 8 of the Code of Federal Regulations (8 CFR) § 103.2(b). You must demonstrate that the beneficiary can be classified as your spouse. See 8 CFR § 204.2

In your initial filing, you submitted the following to establish that you and [REDACTED] are legally married and/or that they have a bona fide marital relationship:

- A copy of your marriage Certificate to the beneficiary with the corresponding English translation.
- A copy of the legal termination of marriage of the beneficiary to [REDACTED] with the corresponding English translation.
- Various photographs of your wedding to the beneficiary.

- Passport-style photographs of you and the beneficiary.

- A copy of the legal termination of marriage of yourself to

The information obtained at the consulate indicates that there is good and sufficient cause for the petition approval to be revoked.

On June 29, 2022, you and the beneficiary were interviewed by a Consular Officer via phone. As a result of your parallel phone interviews, the consular officer determined that your marriage to the beneficiary was entered into for the purpose of obtaining an immigration benefit. In your interview, you and the beneficiary made the following discrepant/inconsistent statements:

- The petitioner admitted the beneficiary texted him once during the phone interview to alert him that "the Consulate is calling". However, on the call with the beneficiary, she insisted that she had not texted the petitioner.
- The petitioner could not recall the wedding date.
- The petitioner said he stayed at a room that he rented from the beneficiary's family during his first visit in 2018. Additionally, the petitioner added that they first fell in love before he first came to Vietnam (they spoke for 3 months on the phone before he first came), but the main purpose of his first visit was to have his teeth fixed, and he still paid for the room he rented from her family. In contrast, the beneficiary said they did not know each other before the petitioner first came to Vietnam.
- The petitioner said they never slept together during the first visit in 2018 (he slept alone in the rental room at the beneficiary's home, and the beneficiary slept in her room), and they first slept together on his second visit. In contrast, the beneficiary said they started sleeping together in the rental room during his first visit, one week after he arrived.
- The petitioner said he proposed to the beneficiary over the phone after his first visit, but she did not say yes until a few days later. The beneficiary confirms the proposal on the phone; however, she said she accepted immediately.
- The petitioner said the beneficiary has been unemployed since her divorce from her ex-husband in 2017 (before he and the beneficiary first met). Before that she worked in real estate. In contrast, the beneficiary said she was still working in real estate when she and the petitioner met in 2017, but that she quit her job in 2019.
- The petitioner said they sometimes shared the same bed with the beneficiary's son during his most recent visit in May of 2022, and they did not consummate their relationship when her son slept with them. In contrast, the beneficiary said they never shared the bed with her son during the petitioner's last visit.
- The petitioner said he usually spoke with the beneficiary's son on the phone before he first came to Vietnam and her son refers to him as "dad". However, the beneficiary said she and



the petitioner had only maintained their communication via text messages, and confirmed the petitioner had never spoken with her son before he first came.

- The petitioner said they went together to buy the wedding rings, and he paid the gold store. In contrast, the beneficiary said she was the one who paid the store.
- The petitioner said the beneficiary plans to work in real estate when she immigrates to the U.S. In contrast, the beneficiary said she has no plan for work, and they would discuss it later.
- The petitioner said he lives at the house he bought 3 years ago, and before that he lived in a rental house. In contrast, the beneficiary said before the petitioner moved into his present house, he lived at his ex- wife's house, not at a rental house.
- The petitioner said only the beneficiary came to pick him up from the airport when he came to Vietnam the second time. However, the beneficiary said she went to pick up the petitioner with his cousin.

The evidence of record is not sufficient to establish that the marriage between you and the beneficiary is bona fide and that the beneficiary is eligible for the benefit sought because of the following:

- You and the beneficiary did not provide consistent answers in your phone interview, despite having been married for 3 years at that time.
- All evidence submitted to establish the relationship is from 2019. No additional evidence of the relationship has been submitted since the time of initial filing.

Although you submitted a marriage certificate to establish the claimed relationship, merely presenting a marriage certificate is not sufficient to establish the bona fides of a marital relationship. Although a marriage may be given legal effect in the United States or abroad, the marriage is not recognized for the purpose of conferring immigration benefits where the marriage was entered into for the primary purpose of obtaining immigration benefits and circumventing immigration laws. *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of McKee*, 17 I&N Dec. 332 (BIA 1980).

The conduct of the parties after marriage is relevant to their intent at the time of marriage. For example, where the parties have never lived together, the amount of evidence required to establish that the marriage was not entered into for the fraudulent purpose of evading the immigration laws may be considerable. See *Matter of Phillis*, 15 I&N Dec. 385 (BIA 1975); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983). The relevant inquiry is whether the parties intended to establish a life together at the time they were married. See *Matter of McKee*, 17 I&N Dec. 332 (BIA 1980); *Bark v. INS*, 511 F.2d 1200 (9 Cir. 1975).

EVIDENCE OF BONA FIDES

Where the bona fides of a marriage is challenged, the petitioner must present documentary or testimonial evidence to show that it was not entered into for the primary purpose of evading the immigration laws. See *Matter of Phillis*, 15 I&N Dec. 385 (BIA 1975).

Such evidence may include, but is not limited to:

- Proof that the beneficiary has been listed as the petitioner's spouse on any insurance policies, property leases, income tax forms, or bank accounts;
- Birth certificate(s) of children born to the marriage;
- Evidence of shared residences, assets, finances, etc.;
- Remittances of wire transfers or monies sent to the beneficiary to help support him/her;
- Evidence of frequent and substantive communications;
- Evidence of travels to see each other before and/or after the wedding (passport pages with entry/exit stamps, hotel receipts, boarding passes, etc.);
- Testimony or other evidence regarding courtship, wedding ceremony, shared residence, and/or expenses, etc.;
- Any other evidence that you feel establishes the relationship and/or supports the petition.

AFFIDAVITS

If you choose to submit affidavits as evidence of the relationship, be aware that affidavits will only be accorded minimal weight unless accompanied by other independent and objective evidence that corroborates the affiants' statements.

Affidavits must:

- Be submitted by at least two individuals who are not parties to this petition and who have direct personal knowledge of the event.
 - NOTE: USCIS will not consider a single statement signed by multiple individuals. Each person must submit his/her own affidavit attesting to their personal knowledge of the event.
- Include:
 - The full name and address of the affiant;
 - The date and place of birth of the affiant;
 - The relationship between the affiant and parties to this petition;
 - Full information regarding the event and/or relationship; for example, the date and place of marriage, divorce, death, etc.; and
 - Complete details concerning how the affiant acquired knowledge of the event.

USCIS is aware that the type of evidence to establish the bona fides of a marital relationship can be somewhat limited when one spouse lives in the U.S. and the other resides overseas. However, the burden is on you to provide evidence of a bona fide marital relationship.

NOTES:

- Any evidence submitted must clearly list the names of both parties to the marriage.
- Submitting evidence exclusively from the period of time after the visa interview may not be sufficient to establish a bona fide relationship.



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In view of the above, you have not established that the marriage between you and the beneficiary is valid for immigration purposes and that the beneficiary qualifies for the classification sought. Therefore, "good and sufficient cause" exists in the present case to begin revocation proceedings.

USCIS intends to revoke approval of your petition unless sufficient evidence is submitted to overcome the above and establish the beneficiary's eligibility for the benefit sought.

All foreign language documents must be submitted with complete English translations. In addition, the translator must certify that he or she is competent to translate the document and that the translation is complete and accurate, including a translation of the civil authority's registration information and the signature/stamp of the civil official. Do not submit the English translation without the foreign language documents.

You are afforded thirty (30) days (thirty-three (33) days if this notice was received by mail) from the date of this notice to submit additional information, evidence or arguments to support the petition. Failure to respond to this request by July 29, 2024 will result in revocation of the prior approval of this petition.

PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL.

Sincerely,

L. Miller
Director
Officer: 0175



COVERSHEET
SCANNING REQUIRED
PLEASE RETURN THE REQUESTED INFORMATION AND
ALL SUPPORTING DOCUMENTS WITH
THIS PAGE ON TOP TO:
USCIS/TSC
ATTN: RFE/NOID/NOIR/NOIT
6046 N BELT LINE RD STE 108
IRVING, TX 75038-0011

Please check the appropriate box regarding if there is a new Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, additional fees, additional forms, etc. Please place the new Form G-28, additional fees, additional forms directly under this sheet.

Yes, there is:

<input type="checkbox"/>	A New G-28	<input type="checkbox"/>	Additional Fees
<input type="checkbox"/>	Additional Forms	<input type="checkbox"/>	Other:

If you have moved, write your current address in the blank area below. Please be sure to write clearly.

(Select appropriate check box)	
<input type="checkbox"/> Applicant/Beneficiary	<input type="checkbox"/> Petitioner
New Address:	

As required by Section 5 265.1 Reporting change of address. "Except for those exempted by section 263(b) of the Act, all aliens in the United States required to register under section 262 of the Act must report each change of address and new address within 10 days of such change in accordance with instructions provided by USCIS."

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I-130 Petition for Alien Relative



IOE09

