



U.S. Citizenship  
and Immigration  
Services

Date:

File:

Receipt:

Officer:

### NOTICE OF INTENT TO DENY PETITION FOR ALIEN RELATIVE

On \_\_\_\_\_ you filed a Petition for Alien Relative (form I-130) on behalf of \_\_\_\_\_ . Pursuant to the investigation and examination of your application, it is determined that USCIS intends to deny your petition for the following reasons.

In *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966), the Board of Immigration Appeals held that the burden of proof to establish eligibility for the benefit sought lies with the petitioner.

In *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988) the Board of Immigration Appeals affirmed that it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies will not suffice.

In *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983) a marriage entered into for the primary purpose of circumventing the immigration laws, commonly referred to as a fraudulent or sham marriage, is not recognized for the purpose of obtaining immigration benefits. In determining whether a marriage is fraudulent for immigration purposes, the conduct of the parties after the marriage is relevant as to their intent at the time of their marriage evidence to establish intent may take many forms, including, but not limited to, proof that the beneficiary has been listed as the petitioner's spouse on insurance policies, property leases, income tax forms, or bank accounts, and testimony or other evidence regarding courtship, wedding ceremony, shared residence, and experience.

The central question is whether the bride and groom intended to establish a life together at the time they were married. See, e.g. *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Mckee*, 17 I&N Dec. 332 (BIA 1988). In determining whether a marriage is a sham or fraudulent for immigration purposes, the conduct of the parties before and after the marriage is relevant to their intent for immigration purposes, the conduct of the parties before and after the marriage is relevant to their intent at the time of the marriage. *Lutwak v. U.S.*, 334 U.S. 604 (1953); *Bark v. INS*, supra; see *Matter of Soriano* supra.