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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File: [REDACTED] Office: Vermont Service Center Date: JUN 4 2001  
IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]  
Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

Public Copy

IN BEHALF OF PETITIONER: Self-represented

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*Myra L. Rosenberg*  
f/s Robert P. Wiemann, Acting Director  
Administrative Appeals Office

The petitioner submitted his U.S. passport which is stamped to show that he visited the Dominican Republic on December 25, 1999 and departed on January 5, 2000. His passport also indicates that he visited the Dominican Republic on February 11, 2000 and therefore February 22, 2000. The petitioner also submitted the airline tickets that were used for these trips. Therefore, the petitioner must have met in

person between October 11, 1998 and October 10, 2000. Therefore, the petitioner and the beneficiary must have met in

period of ninety days after the alien's arrival....  
conclude a valid marriage in the United States within a marry, and are legally able and actually willing to date of filing the petition, have a bona fide intention to have previously met in person within two years before the submitted by the petitioner to establish that the parties shall be approved only after satisfactory evidence is

part that a fiancee petition:  
Section 214(d) of the Act, 8 U.S.C. 1184(d) states in pertinent

The record now contains evidence of the termination of the petitioner's marriage to Eleanor L. Ross. The divorce decree shows that the petitioner was legally divorced from Eleanor L. Ross on June 13, 2000. Therefore, the petitioner has shown that he is able to enter into a valid marriage with the beneficiary.

An alien who is the fiancee or citizen 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 to satisfy....

Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:  
Section 101(a)(15)(K) of the Immigration and Nationality Act (the

additional evidence has been submitted with the appeal.

The petitioner is a citizen of the United States, who had one previous marriage. The beneficiary is a native and citizen of the Dominican Republic. The petitioner determined that the petitioner had not established that he and the beneficiary personally met within two years prior to the filing date. The director also determined that the petitioner had not submitted evidence of the termination of his marriage to Eleanor Ross.

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be sustained.

has met the beneficiary in person within two years of the petition's filing date.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has met that burden.

**ORDER:** The appeal is sustained.