

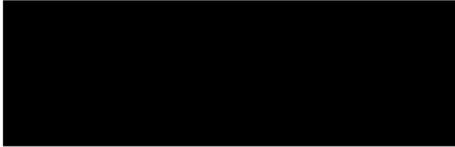
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U.S. Department of Homeland Security  
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE  
CIS, 1400 Mass, 3/F  
425 I Street, N.W.  
Washington, D.C. 20536

*106*



SEP 09 2003

File:  Office: California Service Center  
(WAC 01 228 55382 relates)

Date:

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for Alien Fiancé(e) Pursuant to Section 101(a)(15)(K) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

**INSTRUCTIONS:**

This is the decision in your case. All documents have been returned to the office that 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 that 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 Citizenship and Immigration Services (CIS) 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, California Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Pakistan, as the fiancée of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K).

The director denied the petition after determining that the petitioner had failed to submit evidence to establish that he and the beneficiary had personally met within two years before the date of filing the petition, as required by section 214(d) of the Act.

Section 101(a)(15)(K) of the Act defines "fiancé(e)" as:

An alien who is the fiancée or fiancé 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 ninety days after entry.

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

. . . shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the 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 ninety days after the alien's arrival. . . .

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) on July 5, 2001. Therefore, the petitioner and the beneficiary were required to have met during the period that began on July 5, 1999 and ended on July 5, 2001.

In response to Question #19 on the Form I-129F, the petitioner initially indicated that he and the beneficiary had personally met. In response to the director's request for additional documentation, including completed Forms G-325 for the both the petitioner and the beneficiary, and evidence concerning the parties' last meeting, the petitioner failed to submit documentary evidence of where and when the parties had met.<sup>1</sup> Accordingly, the director denied the petition for failure to comply with the regulatory requirements.

<sup>1</sup> In his denial, the director stated that the petitioner had failed to submit, in response to the director's request, the completed Forms G-325 for the petitioner and the beneficiary. However, a review of the record reflects that such completed forms are contained in the file.

On appeal, the petitioner submits a letter explaining the circumstances of his engagement and stating that he traveled to Pakistan on February 15, 1999, August 15, 1999 and March 27, 2001. He does not indicate the lengths of stay or specific dates of departure for each trip. In support of his appeal, the petitioner submits documentation including copies of his passport pages, an airline ticket receipt, boarding pass and baggage claims.

A review of the documentation submitted does not fully support the petitioner's claims regarding his dates of travel. It appears that the petitioner first traveled to Pakistan on February 20, 1999 (entry stamp contained in passport), with a ticket issued on February 18, 1999 noting a return reservation date of April 19, 1999 (copy of ticket submitted). There is no evidence of the petitioner's departure from Pakistan until August 8, 1999 (exit stamp in passport). The documentation further indicates that the petitioner subsequently traveled to Pakistan on or after September 20, 2000 (visa issued in Los Angeles on September 20, 2000, valid through September 19, 2005) and did not depart until March 25, 2001 (exit stamp in passport).

While it appears that the petitioner was physically present in Pakistan during the required two-year period, the information provided by the petitioner in his letter does not match the information contained in the documentation submitted. Without an adequate explanation of the discrepancies contained in the record, the petition may not be approved.

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 not met that burden.

**ORDER:** The appeal is dismissed.