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U.S. Citizenship
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DC

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

APR 25 2007

WAC 06 207 52883

IN RE:

Petitioner:

[REDACTED]

Beneficiary:

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

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Chief
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 sustained.

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

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with Citizenship and Immigration Services (CIS) on June 14, 2006. On September 26, 2006 the director sent the petitioner a request for evidence (RFE) instructing him to fill out and return the Supplemental Form I-129F, which was created in order to acquire information regarding petitioners' criminal records, as mandated by the International Marriage Broker Regulation Act of 2005 (IMBRA), Pub. L. No. 108-162, dated January 5, 2006. In his October 9, 2006 response to the RFE, the petitioner checked boxes on the Supplemental Form I-129F indicating that he had been convicted of crimes of violence, as well as crimes relating to controlled substances, but only submitted court documentation regarding the latter. The director denied the petition after determining that the petitioner had failed to provide all requested evidence regarding his criminal background.

On appeal, counsel submits a brief, a statement by the petitioner, and a corrected Supplemental Form I-129F, explaining that the petitioner misunderstood the questions on the Supplemental Form I-129F. He states that the petitioner was indeed convicted of drug-related offenses, as he indicated in his response to the RFE, but never of any of the crimes of violence listed under Question #2 on the Supplemental Form I-129F. In his letter, the petitioner explains why he checked the first two boxes under Question #2. He states that he was never convicted of any crime of violence. The petitioner's explanation, coupled with the documentation in the record, overcomes the basis for the director's denial.

The AAO finds that the evidence on appeal establishes compliance with the disclosure requirements set forth under the IMBRA. Therefore, the appeal will be sustained.

ORDER: The appeal is sustained and the application is approved.