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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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Date: **JAN 11 2012**

Office: CALIFORNIA SERVICE CENTER

FILE:

IN RE: Petitioner:   
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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

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

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Bulgaria, as the fiancé(e) 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 director denied the nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the petitioner failed to submit required initial evidence. On appeal, the petitioner submits a statement and additional evidence.

*Applicable Law*

A "fiancé(e)" is defined at Section 101(a)(15)(K) of the Act as:

subject to subsections (d) and (p) of section 214, an alien who -

(i) 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 admission[.]

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), 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 2 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, except that the Secretary of Homeland Security in [her] discretion may waive the requirement that the parties have previously met in person. . . .

The regulation at 8 C.F.R. § 103.2(b)(8)(ii) states that if all required initial evidence is not submitted with the petition or does not demonstrate eligibility, U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, deny the petition for lack of initial evidence. The specific requirements for filing a Petition for Alien Fiancé(e) (Form I-129F), including a description of the required initial evidence, may be found in the *Instructions* to the Form I-129F.

*Factual and Procedural History*

The petitioner filed the fiancé(e) petition on April 27, 2011 with USCIS without any supporting evidence. For this reason, the director denied the petition on August 3, 2011. On appeal, the petitioner provides a statement in which he asserts that he met the beneficiary in February 2011 in Madrid, Spain and they had a prior meeting in Bulgaria in February 2010. He also provides: a copy of a letter from a hotel in Spain stating that the petitioner and the beneficiary stayed there; evidence of the petitioner's e-mail correspondence with the beneficiary; evidence of the petitioner's remittances to the beneficiary; a

copy of the beneficiary's divorce decree; a copy of the petitioner's divorce decree for his second marriage; the petitioner's naturalization certificate; and copies of the biographical pages of the petitioner's and the beneficiary's passports.

*Analysis*

The petitioner has submitted some, but not all, of the required initial evidence. The record still lacks the following documentation: proof of the termination of the petitioner's marriage to D-L-, his first wife<sup>1</sup>; a Form G-325A, Biographic Information, for the petitioner and the beneficiary; two (2) passport-style color photographs of the petitioner and the beneficiary; original statements from the petitioner and the beneficiary to establish their mutual intent to marry within 90 days of the beneficiary's admission into the United States in K-1 status; and evidence that the petitioner and the beneficiary have met in person between April 27, 2009 and April 27, 2011, which is the two-year period immediately preceding the filing of the petition.

The petitioner indicated on appeal that he met the beneficiary in February 2011 in Madrid, Spain and they had a prior meeting in Bulgaria in February 2010. He stated on his Form I-129F that he and the beneficiary were in Bulgaria together from February 13, 2010 until February 18, 2010 and they were in Madrid, Spain together from February 20, 2011 until February 27, 2011. The petitioner did not submit any evidence of having met the petitioner in Bulgaria in February 2010. He submitted a certified English translation of a letter from Hotel Gran Versailles in Madrid, Spain stating that he and the beneficiary stayed at the hotel from February 20, 2011 until February 27, 2011. He also submitted photographs of himself and the beneficiary, which he indicated were taken during their trip to Spain. Although the photographs contain date stamps, many of them are dated outside the period the petitioner claims he and the beneficiary were together in Spain. The copy of the letter from the Hotel Gran Versailles in Madrid does not, alone, meet the petitioner's burden of proof of having met the beneficiary within the requisite period. Examples of relevant evidence demonstrating that the petitioner has met the beneficiary within the requisite period include a copy of the petitioner's passport showing exit and entry stamps and his flight itinerary and boarding ticket. The petitioner has not submitted this type of documentation.

*Conclusion*

As the petitioner still has not submitted all of the required initial evidence on appeal, the director's decision to deny the petition shall not be disturbed. As always, the burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not met that burden.

**ORDER:** The appeal is dismissed. The petition remains denied.

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<sup>1</sup> Name withheld to protect the individual's identity.