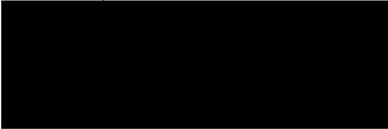


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U.S. Citizenship  
and Immigration  
Services

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DG

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

**AUG 22 2005**

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:

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, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Acting 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 Mexico, 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 director denied the petition after determining that the evidence of record did not establish when and where the petitioner and beneficiary had met within two years before the date of filing the petition, as required by § 214(d) of the Act.

Section 101(a)(15)(K) of the Act, 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who:

- (i) is the fiancé(e) of a U.S. citizen and who seeks to enter the United States solely to conclude a valid marriage with that citizen within 90 days after admission;
- (ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or
- (iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien.

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) with Citizenship and Immigration Services on June 7, 2004. Therefore, the petitioner and the beneficiary were required to have met during the period that began on June 7, 2002 and ended on June 7, 2004.

On question #19 on the Form I-129F, the petitioner wrote that he and the beneficiary had personally met and had been living together since April 2003. In response to the director's request for evidence and additional information concerning the parties' last meeting, the petitioner submitted photographs and a statement to the effect that he and the beneficiary had been a couple for four years and three months.

On appeal, the petitioner submits dated photographs and another statement explaining how he and his fiancée met and have been living together, noting that his fiancée is pregnant with his child. The photographs are dated February 14, 2004 and May 14, 2004, both of which are within the two year window prior to his filing the Form I-129F.

The evidence of record addresses the issues articulated by the director in the request for evidence and establishes that the petitioner and the beneficiary met in person as required under § 214(d) of the Act. Therefore, the appeal will be sustained.

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