



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: **SEP 22 2006**

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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:



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, Texas Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be sustained.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Nigeria, 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).

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 August 17, 2004, and the director approved the petition on September 14, 2004. A U.S. consular official interviewed the beneficiary in Lagos, Nigeria on January 31 and April 25, 2005 and determined that the beneficiary had failed to provide sufficient evidence to show that she and the petitioner had a bona fide fiancé relationship. The consular official concluded that the relationship between the parties existed for immigration purposes only. The petitioner submitted further evidence of his relationship with the beneficiary in response to Citizenship and Immigration Services' Motion to Reopen and Notice of Intent to Deny; however, the director found all the evidence insufficient to establish the bona fides of the relationship. The petition was therefore denied on September 15, 2005.

On appeal, counsel stresses the cumulative weight of the body of evidence on the record, which includes copies of e-mail messages, money transfer receipts, telephone bills, letters, airline tickets, and photographs of the petitioner and beneficiary together. Counsel asserts that the petitioner has met his burden of establishing a fiancé relationship as contemplated under § 214(d) of the Act, and the AAO concurs. The petitioner has provided sufficient evidence to establish that he and the beneficiary have met in person within the two-year period immediately preceding the August 17, 2004 filing date, that the two have a bona fide intention to marry, and that they are legally able and actually willing to conclude a valid marriage in the United States. Thus, the director's decision will be reversed, the appeal will be sustained, and the petition will be approved.

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

ORDER: The appeal is sustained.