



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
WAC 06 197 51045

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 11 2007**

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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 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 citizen of Great Britain, as the fiancé 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 petitioner had not established that she and the beneficiary had personally met within two years before the date of filing the petition, as required by § 214(d) of the Act. The director also noted that there was no evidence that the meeting requirement would cause the petitioner to suffer hardship or would violate the beneficiary's customs.

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 (CIS) on June 9, 2006; therefore, the petitioner and the beneficiary were required to have met during the period that began on June 9, 2004 and ended on June 9, 2006. The record includes undated photographs, airline luggage claim checks showing that the petitioner and beneficiary travelled on the same flight from O'Hare airport in Chicago to Glasgow, Scotland on March 30 (no year shown), a Washington Mutual bank statement showing charges the petitioner made in Glasgow Scotland in April 2006, statements by the petitioner, the beneficiary, their respective parents, the petitioner's sister, and the beneficiary's friend, and other documentation.

The petitioner and beneficiary state that they spent time together from June to August 2005 and from December 2005 to September 2006. At the time the petitioner filed the petition, she was in Scotland, residing with the beneficiary's family. In fact, the envelope in which she sent the petition bears British stamps. A review of the totality of the evidence establishes that the petitioner fulfilled the requirement set forth at

§ 214(d) of the Act that she and the petitioner meet in person within the two year period immediately preceding the date the petition was filed. Therefore, the appeal will be sustained.

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