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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: OCT 18 2007  
WAC 07 049 51314

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:



INSTRUCTIONS:

This is the decision 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. Wichmann, 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 naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of the Poland, as the fiancée of a United States citizen pursuant to section 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 record did not establish that the petitioner and beneficiary had personally met within the two-year period immediately preceding the filing of the petition, as required by section 214(d) of the Act. She further determined that the record did not establish a basis on which to exempt the petitioner from this requirement. *Decision of the Director*, dated March 22, 2007.

Section 101(a)(15)(K) of the Immigration and Nationality Act (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 December 5, 2006. Therefore, the petitioner and the beneficiary were required to have met during the period that began on December 5, 2004 and ended on December 5, 2006.

At the time of filing, the petitioner indicated that he and the beneficiary had previously met in August 2004 in Naples, Italy where he was stationed with the U.S. military. In response to the director's request for evidence, the petitioner submitted documentation to establish that he was with the beneficiary from January 11, 2007 to January 24, 2007.

On appeal, counsel states that the petitioner misunderstood the question regarding his meeting the beneficiary during the two-year time period prior to filing. Counsel states that the petitioner and beneficiary have had an ongoing relationship since 2004 and have met each other on several occasions. Counsel also states that the

beneficiary is pregnant with the petitioner's child. Counsel submits a sonogram for the beneficiary taken on January 1, 2007 and showing a due date of October 3, 2008. *Sonogram*, dated January 1, 2007. Counsel also submits a Military Registration and Certification of Title of Motor Vehicle for the petitioner. This registration and certification of title shows that the petitioner was in Naples, Italy on September 12, 2005, the date the title document was issued. *Military Registration and Certification of Title of Motor Vehicle*, dated September 12, 2005. The record includes a hotel receipt for the beneficiary showing that she was in the same region of Italy during the time period of May 9, 2005 to February 15, 2006. *Hotel Receipt*, dated February 15, 2006. The record also includes numerous undated photographs of the beneficiary and petitioner together. The AAO finds the petitioner has established, by a preponderance of the evidence, that he met the beneficiary during the two-year period noted above. Accordingly, he has complied with the meeting requirement of section 214(d) of the Act, as it relates to the instant petition, and the appeal will be sustained.

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

**ORDER:** The appeal is sustained.