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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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bc



FILE: [REDACTED]
WAC 07 136 50401

Office: CALIFORNIA SERVICE CENTER

Date: APR 25 2008

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 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 native and citizen of Sierra Leone, as the fiancé 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 was incomplete and did not contain the requested Form G-325As, Biographic Information sheets, required for a petition under section 214(d) of the Act and under the regulations at 8 C.F.R. § 103.2(a). *Decision of the Director*, dated October 15, 2007.

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. . . .

8 C.F.R. § 103.2(a) states in pertinent part:

- (1) *General.* Every application, petition or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, each instruction being hereby incorporated into the particular section of the regulations requiring its submission...

The AAO notes that the instructions for completing the Form I-129F state at Item 6(A), Page 3 that the petitioner and beneficiary need to submit completed Form G-325As. In response to the director's request for further evidence, the petitioner submitted a Form G-325A for herself. On appeal, the petitioner provides completed Form G-325As for herself and the beneficiary. The AAO notes that the beneficiary's Form G-325A is not signed by the beneficiary. However, the beneficiary may sign the Form G-325A overseas at the time of visa issuance. *See Memorandum from Michael Aytes, Acting Associate Director for Operations, United States Citizenship and Immigration Services, Department of Homeland Security, Guidance for Processing Pending Form I-129F Petition for Alien Fiancé(e) when G-325A for Petitioner and/or Beneficiary is not Signed and/or Photos not Submitted* (November 1, 2005).

The AAO finds that the petitioner has now complied with the instructions for filing the Form I-129F. Accordingly, the appeal will be sustained.

ORDER: The appeal is sustained.