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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
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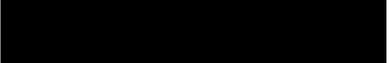
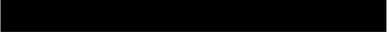
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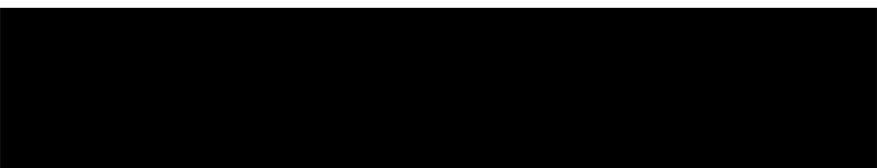


Date: Office: VERMONT SERVICE CENTER FILE 

MAR 15 2012

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)

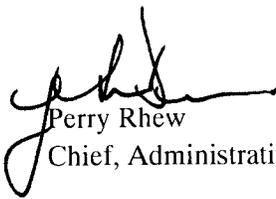
ON BEHALF OF PETITIONER:


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion with the \$630 fee. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

minor children who regarded the petitioner as a parental figure. Nor has [REDACTED] stated how he found the petitioner to have been in two healthy long-term marriages since the petitioner admitted to repeatedly sexually abusing his stepdaughters during his second marriage and the petitioner himself stated that he had "serious marriage problems" with his second wife and he described their family as "dysfunctional."

The petitioner states in his affidavit that he had a vasectomy and the beneficiary accepts that they will not have any children. The petitioner, however, has submitted no medical documentation of his vasectomy. Nor has he submitted evidence of the beneficiary's inability or lack of desire to have biological or adopted children. Further, the petitioner has not discussed whether the beneficiary now knows about his criminal history. [REDACTED] stated in his evaluation, dated July 27, 2009, that the petitioner has informed the beneficiary that he got into "trouble" 25 years ago, but failed to tell her of the nature of his criminal conviction. [REDACTED] noted that the petitioner planned to hire a translator to write a letter to his fiancée describing the offense. On appeal, the petitioner has not indicated if he has now informed the beneficiary of his criminal history. The record does not contain a statement from the beneficiary that acknowledges the petitioner's criminal history and confirms her desire to not have any biological or adopted children.

In his affidavit, the petitioner discusses his rehabilitation, but appears to take little responsibility for the serious nature of his crimes. The petitioner denied attempting to sexually assault his first wife's teenage sister and stated that they only "shared a bed and kissed." He claimed that his second wife initiated and facilitated the sexual abuse of her 12-year-old and nine-year-old daughters. He justified his abuse of his older stepdaughter by stating, "I believe very strongly that the reason her and I agreed to have sexual relations with each other was to use sex with each other just like someone might use alcohol and heavy drinking to mask or medicate their bad feelings. The sex helped us stand it in the home." The petitioner's characterization of his sex offense as a mutually agreed upon sexual relationship with his stepdaughter reflects his denial of the gravity of his offenses and his failure to understand the power and control he had over the victims of his offenses. The petitioner's professional accomplishments and the statements from his friends, family members, neighbors and employers attesting to his good moral character do not overcome his failure to demonstrate that he has taken responsibility for his sex offenses, is fully rehabilitated, and is therefore of no risk to the beneficiary.

Based on the foregoing, the evidence of record does not support the petitioner's assertions that he poses no risk to the safety and well-being of the beneficiary and/or any derivative beneficiary. Consequently, the appeal will be dismissed.

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 not met that burden.

ORDER: The appeal is dismissed. The petition remains denied.