



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[REDACTED]  
Date: **AUG 07 2013**

Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

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:

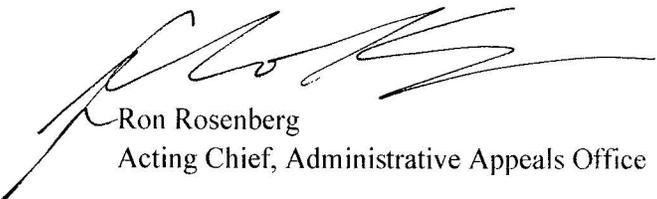
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The petition will remain denied.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Laos, as the fiancée 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 nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the petitioner failed to submit required initial evidence. On appeal, the petitioner submits additional evidence.

*Applicable Law*

A "fiancé(e)" is defined at Section 101(a)(15)(K) of the Act as:

subject to subsections (d) and (p) of section 214, an alien who -

(i) 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 admission[.]

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), 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 2 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, except that the Secretary of Homeland Security in [her] discretion may waive the requirement that the parties have previously met in person. . . .

The regulation at 8 C.F.R. § 103.2(b)(8)(ii) states that if all required initial evidence is not submitted with the petition or does not demonstrate eligibility, U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, deny the petition for lack of initial evidence. The specific requirements for filing a Petition for Alien Fiancé(e) (Form I-129F), including a description of the required initial evidence, may be found in the *Instructions* to the Form I-129F.

*Factual and Procedural History*

The petitioner filed the fiancée petition with USCIS on March 22, 2011 and submitted: copies of the biographic pages of the petitioner's passport and the beneficiary's passport; an English translation of the couple's engagement certificate; undated photographs of the petitioner and the beneficiary; the petitioner's reentry permit (Form I-327), valid for the period of October 2005 until October 2007; one passport-style color photograph of the beneficiary; and the petitioner's tax returns for the previous three years.

In an August 4, 2011 Request for Evidence (RFE), the director requested the petitioner to provide: a copy of the foreign language document that accompanies the submitted English translation of the couple's engagement certificate; a Form G-325A, Biographic Information, for the petitioner and the beneficiary; passport-style color photographs of the petitioner; and evidence that the petitioner and the beneficiary have met in person within the two-year period immediately preceding the filing of the petition, or evidence that the petitioner merits a waiver of this requirement. In response to the RFE, the petitioner submitted only his Form G-325A, Biographic Information. For this reason, the director denied the petition on April 11, 2012. On appeal, the petitioner provides: a copy of his naturalization certificate; and the foreign language document to accompany the English translation of the couple's engagement certificate.

### *Analysis*

The petitioner has submitted some, but not all, of the required initial evidence. The record still lacks the following documentation: a Form G-325A, Biographic Information, for the beneficiary; two (2) passport-style color photographs of the petitioner and one (1) additional passport-style color photograph of the beneficiary; original statements from the petitioner and the beneficiary to establish their mutual intent to marry within 90 days of the beneficiary's admission into the United States in K-1 status; and evidence that the petitioner and the beneficiary have met in person between March 22, 2009 and March 22, 2011, which is the two-year period immediately preceding the filing of the petition, or evidence that the petitioner merits a favorable exercise of discretion to exempt him from such requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). Although the English translation of the engagement certificate states that the petitioner and the beneficiary were engaged in Laos on April 24, 2009, the petitioner failed to provide evidence of his travel to Laos. The petitioner has not provided exit and entry stamps from his passport, flight itineraries, airline boarding passes or receipts related to his travel, or other evidence that he met the beneficiary during the requisite period. The petitioner's reentry permit (Form I-327) only reflects his travel to Laos from April 12, 2006 until May 24, 2006, which is outside the requisite period.

### *Conclusion*

As the petitioner still has not submitted all of the required initial evidence on appeal, the director's decision to deny the petition shall not be disturbed. In fiancée visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

**ORDER:** The appeal is dismissed.