



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[REDACTED]

Date: **AUG 30 2013**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

IN RE:

Petitioner: [REDACTED]

Beneficiary: [REDACTED]

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)

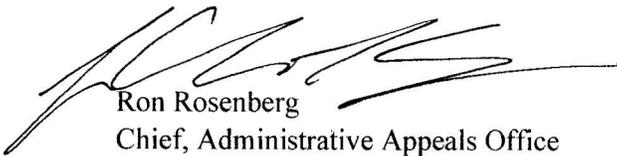
ON BEHALF OF PETITIONER:

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.

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, (“the director”) denied the nonimmigrant visa petition and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the Administrative Appeals Office (AAO) on a motion to reopen. The motion will be granted, the previous decision of the AAO will be withdrawn, and the appeal will be sustained.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 Sweden, 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).

On July 30, 2012, 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 May 20, 2013, the AAO dismissed the appeal.

On motion, the petitioner submits a copy of the biographical page of his U.S. passport and statements from himself and the beneficiary. The motion to reopen will be granted.

*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.

*Analysis*

The petitioner filed the fiancé(e) petition with USCIS on March 14, 2012 without any supporting evidence. For this reason, the director denied the petition on July 30, 2012. On appeal, the petitioner provided the following relevant evidence: a Form G-325A, Biographic Information, for the petitioner

and the beneficiary; two (2) passport-style color photographs of the petitioner and the beneficiary; a photograph of the petitioner with the beneficiary; a letter from the petitioner's parents attesting to meeting the petitioner and the beneficiary in Nebraska during the requisite period; and the beneficiary's flight itinerary for her travel to Nebraska during the requisite period. In its May 20, 2013 decision, the AAO determined that the petitioner submitted some, but not all, of the required initial evidence. The prior record still lacked proof of the petitioner's U.S. citizenship and 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.

On motion, the petitioner provides a copy of the biographical page from his U.S. passport as evidence of his U.S. citizenship and original statements from himself and the beneficiary stating that they have a mutual intent to marry within 90 days of the beneficiary's admission to the United States in K-1 status. As the petitioner has now submitted all of the required initial evidence, the previous decision of the AAO will be withdrawn and the appeal will be sustained.

#### *Conclusion*

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 now been met.

**ORDER:** The motion to reopen will be granted, the previous decision of the AAO will be withdrawn, and the appeal will be sustained.