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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  
Services

Date: **DEC 06 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)

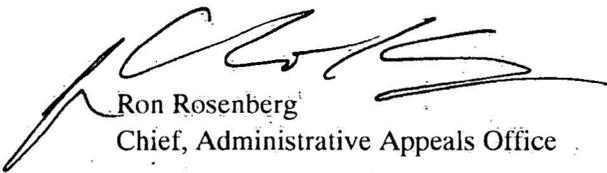
ON BEHALF OF PETITIONER:

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, denied the nonimmigrant visa petition, and the Administrative Appeals Office (AAO) dismissed the subsequent appeal. The AAO is now reopening the matter upon its own motion. The prior decision of the AAO will be withdrawn. The appeal will be sustained and the petition will be approved.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a citizen of the Nigeria, 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 nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the petitioner failed to submit required initial evidence. In its September 3, 2013 decision dismissing the appeal, the AAO determined that the petitioner provided some but not all of the required evidence. After the AAO's prior decision was issued, it received additional evidence which warrants reopening and reconsideration of this case pursuant to the regulation at 8 C.F.R. § 103.5(a)(5)(i).

*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 his 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 October 5, 2012 without any supporting evidence. For this reason, the director denied the petition on April 30, 2013. On appeal, the petitioner provided evidence of his United States citizenship, an identity document for the beneficiary, and photographs of himself with the beneficiary. The AAO dismissed the appeal for failure to submit all of

the required evidence. Subsequently, the petitioner submitted additional evidence including: Forms G-325A, Biographic Information, for the petitioner and the beneficiary; two (2) passport-style color photographs of the petitioner and 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 October 5, 2010 and October 5, 2012, which is the two-year period immediately preceding the filing of the petition.

*Analysis*

As evidence that the petitioner met the beneficiary in person during the requisite two-year period, he submits a copy of his Nigerian entry visa and admission stamp dated July 5, 2012. This evidence, along with the previously submitted photographs of the petitioner and beneficiary together establishes that the petitioner met the beneficiary in person during the requisite two-year period as indicated on the Form I-129F. The petitioner has now submitted all of the remaining required evidence.

*Conclusion*

Based upon the additional evidence submitted and a reexamination of the record, the prior decision of the AAO is withdrawn as the petitioner has submitted documentation to meet all of the Form I-129F evidentiary requirements.

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. sec 1184(d)(1); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has met that burden.

**ORDER:** The September 3, 2013 decision of the Administrative Appeals Office is withdrawn. The appeal is sustained and the petition is approved.