



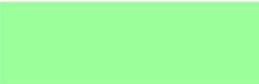
U.S. Citizenship  
and Immigration  
Services

(b)(6)

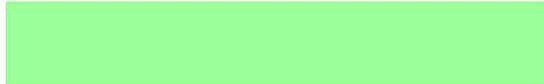


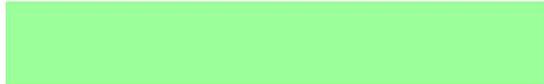
Date: **DEC 06 2013**

Office: CALIFORNIA SERVICE CENTER

FILE: 

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)

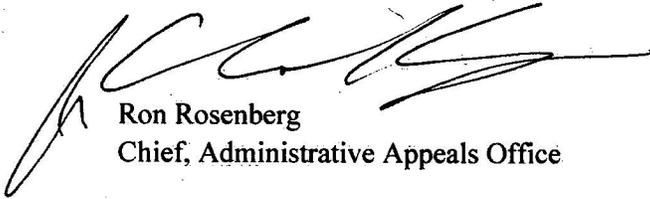
ON BEHALF OF PETITIONER:

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.

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. 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 native and citizen of Togo, 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. 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 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 fiancé(e) petition with USCIS on November 21, 2012 without any supporting evidence. For this reason, the director denied the petition. On appeal, the petitioner recounts that he knew the beneficiary when they were children and they reconnected four years ago over the internet. He states that they met in Cotonou, Benin in December 2011 for three weeks because he could not travel to Togo. The petitioner states that the beneficiary became pregnant during his visit and they now have a child together. He states that he plans to marry the beneficiary after they are reunited.

The petitioner provides: evidence of his U.S. citizenship; copies of his entry visa for Benin and corresponding exit and entry stamps from his passport; a "Certificate of Celibacy" from Togo stating that the beneficiary is free to marry; an attestation from the beneficiary's mother stating that the petitioner paid a dowry for his engagement to the beneficiary; a birth certificate for the petitioner and beneficiary's child who was born on October 12, 2012; and three photographs of the petitioner with the beneficiary. The birth certificate of the petitioner and beneficiary's child and photographs of the couple demonstrate that the couple met during the two years immediately preceding the filing of the petition.

On October 4, 2013, the AAO issued a Request for Evidence (RFE) to the petitioner for: a Form G-325A, Biographic Information, for the petitioner and the beneficiary; two (2) passport-style color photographs of the petitioner and the beneficiary; and an original statement from the beneficiary to establish her intent to marry the petitioner within 90 days of her admission into the United States in K-1 status. The petitioner timely responded to the RFE with the requested evidence.

*Conclusion*

Now that the petitioner has submitted documentation to meet all of the Form I-129F evidentiary requirements, the AAO will sustain the petitioner's appeal and approve the petition. The burden of proof in these proceedings rests solely with the petitioner. Sections 214(d)(1) and 291 of the Act, 8 U.S.C. §§ 1184(d)(1), 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has met that burden.

**ORDER:** The appeal is sustained. The petition is approved.