



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: **DEC 12 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)

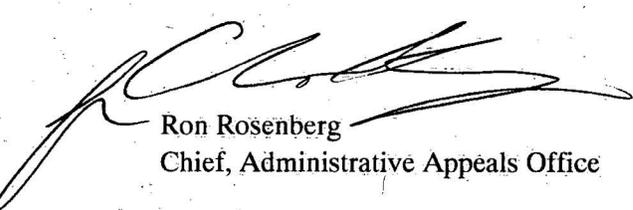
ON BEHALF OF PETITIONER:

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 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 the Philippines, 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 fiancée petition with USCIS on January 23, 2013 without any supporting evidence. For this reason, the director denied the petition. On appeal, the petitioner provides, among other things, the following documentation: his U.S. birth certificate; the biographic page from his U.S. passport; his divorce decree for his first marriage; a judgment for the annulment of the beneficiary's first marriage; his passport admission stamp for entry into Singapore on November 9, 2011; his credit card bill reflecting transactions in Singapore in November 2011; his hotel reservation for his stay in Singapore from November 9, 2011 through November 17, 2011; evidence of his remittances to the

beneficiary; a Form G-325A, Biographic Information, for himself and the beneficiary; two (2) passport-style color photographs of himself and the beneficiary; police clearances for the beneficiary; the beneficiary's children's birth certificates; and photographs of himself with the beneficiary.

On October 4, 2013, the AAO issued a Request for Evidence (RFE) to the petitioner for: original statements from the petitioner and the beneficiary to establish the couple's mutual intent to marry within 90 days of the beneficiary's admission into the United States in K-1 status; and additional evidence that the petitioner and the beneficiary have met in person between January 23, 2011 and January 23, 2013, 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). The AAO stated that although the petitioner provided documentation of his travel to Singapore and photographs of himself with the beneficiary, the photographs are not film-dated and the record contained no other evidence of the beneficiary's presence in Singapore during the petitioner's November 2011 visit to the country.

In response to the RFE, the petitioner provides, among other things, a copy of the beneficiary's Singapore work permit card reflecting that she was authorized for employment as a domestic worker in the country from December 4, 2010 until March 21, 2012. The work permit and photographs of the couple are probative evidence of the beneficiary's presence in Singapore during the petitioner's November 2011 visit to the country. The petitioner also provides original statements from himself 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. The evidence submitted on appeal now satisfies all of the Form I-129F evidentiary requirements.

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. §§ 1361, 1184(d)(1); *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.