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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



Date:

**MAY 22 2014**

Office: CALIFORNIA SERVICE CENTER

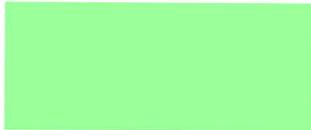
FILE:



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:

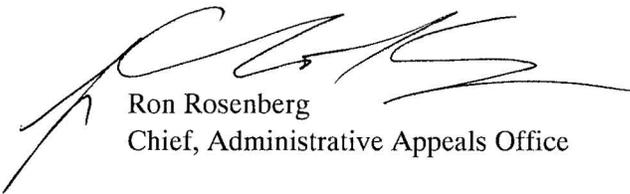
SELF-REPRESENTED

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. 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  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center (the director), denied the nonimmigrant 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 Cambodia, 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 because of failure to submit evidence from the petitioner and the beneficiary declaring their mutual intent to marry in the United States within 90 days of the beneficiary's admission into the United States in K-1 status, and the petitioner's Form G-325A, Biographic Information. On appeal, the petitioner submits evidence of having met the beneficiary in Cambodia in August 2013, and of sending money to her.

#### *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 fiancé(e) petition with USCIS on May 6, 2013. Therefore, the petitioner and the beneficiary were required to have met in person between May 6, 2011 and May 6, 2013. The director denied the nonimmigrant visa petition because of failure to submit the petitioner's Form G-325A, Biographic Information, and original statements from the petitioner and the beneficiary declaring their

mutual intent to marry in the United States within 90 days of the beneficiary's admission into the United States in K-1 status.

The relevant evidence in the record consists of: evidence of the petitioner's U.S. citizenship; a judgment of divorce for the petitioner's first marriage; a judgment for oral argument, dated August 16, 2011, for the beneficiary's first marriage; a Form G-325A, Biographic Information, for the petitioner and the beneficiary; photographs of the beneficiary and the petitioner together; evidence of the petitioner's travel to Cambodia in June 2012 and August 2013; receipts showing money transfers; income tax records; and a statement from the petitioner.

On appeal, the petitioner submits an undated letter from both the petitioner and the beneficiary stating their mutual intent to marry within 30 days of the beneficiary's admission into the United States in K-1 status.

#### *Analysis*

The relevant evidence demonstrates that the petitioner is a U.S. citizen, the petitioner met the beneficiary in person during the two-year period immediately preceding the filing of the petition, the petitioner and beneficiary have a bona fide intention to marry, and mutually intend to conclude a marriage in the United States within 90 days of the beneficiary's arrival in the United States in K-1 status. On March 31, 2014 the AAO issued a Request for Evidence (RFE) of one passport-style color photograph of the petitioner and one of the beneficiary, and evidence of the termination of the beneficiary's first marriage. The petitioner did not submit the requested evidence, but instead submitted a letter which does not address the deficiencies in the record.

#### *Conclusion*

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, USCIS may, in its discretion, deny the petition for lack of initial evidence. The petitioner failed to submit the required evidence on appeal. Consequently, the beneficiary may not benefit from the instant petition and it must remain denied. The appeal is dismissed. The denial of this petition is without prejudice to the filing of a new petition. 8 C.F.R. § 214.2(k)(2).

As always, the burden of proof in these proceedings rests solely with the petitioner. 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).

**ORDER:** The appeal is dismissed.