



U.S. Citizenship
and Immigration
Services

(b)(6)

[REDACTED]

Date: NOV 13 2014

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 matter is now before the Administrative Appeals Office (AAO) on appeal. 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 Mexico, 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 pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the petitioner failed to submit evidence of the beneficiary's intent to marry within 90 days of his admission. On appeal, the petitioner submits a letter signed by the beneficiary expressing his intent to marry.

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 September 18, 2013 without sufficient supporting evidence. For this reason, the director issued a request for additional evidence and, in response, the petitioner submitted additional documentary evidence but failed to submit a letter signed by the beneficiary attesting to his intent to marry within 90 days of his admission into the United States. The director denied the petition finding that the petitioner had failed to submit evidence of the beneficiary's intent to marry within 90 days of her admission into the United States. On appeal, the

petitioner submits a letter signed by the beneficiary expressing his intent to marry the petitioner within 90 days of his admission in accordance with section 214(d) of the Act.

Noting that the petitioner had submitted some, but not all, of the required evidence, we issued a request for evidence on September 17, 2014. We instructed the petitioner to submit evidence she met the beneficiary in person during the two-year period before she filed the Form I-129F. The petitioner responded to the request for evidence by submitting employment, tax, and medical records indicating that the beneficiary's address was the petitioner's home in California.

Analysis

The petitioner has now submitted sufficient evidence to establish that she met the beneficiary in person within the two years prior to filing the Form I-129F. The response to the request for evidence includes a W-2 Wage and Tax Statement, a pay stub and a medical bill indicating that the beneficiary's address was ([REDACTED]) California, the petitioner's home. This evidence is sufficient to demonstrate that the couple met in person between September 18, 2011 and September 18, 2013, which is the two-year period immediately preceding the filing of the petition.

Conclusion

In fiancé(e) 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 been met.

ORDER: The appeal is sustained.