

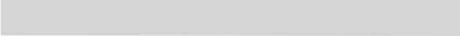


U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 17 2015** Office: VERMONT 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,

A handwritten signature in black ink, appearing to be "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting Center Director, Vermont Service Center (the director), denied the petition for an alien fiancé(e), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Jamaica, 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 petition for an alien fiancé(e) pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the petitioner failed to establish eligibility for the benefit sought. 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 [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 July 11, 2012 without supporting evidence. Accordingly, on January 24, 2013, the director denied the petition. On appeal, the petitioner submits copies of his passport to support his assertion that he has often traveled to Jamaica to visit

the beneficiary. The petitioner states that the earliest visit was in January 2008 and the most recent visit was from August 2012 and September 2012. The petitioner submits a copy of his current U.S. passport along with an expired U.S. diplomatic passport.

Analysis

The petitioner has submitted evidence to establish proof of his U.S. citizenship. However, not all of the required initial evidence has been provided. The record still lacks:

- Evidence, such as statements of intent, from the petitioner and the beneficiary of their intent to marry within 90 days of the beneficiary's admission to the United States.
- Passport-style photographs of the petitioner and the beneficiary.
- Forms G-325A, Biographic Information, for the beneficiary and the petitioner.
- Evidence establishing that the petitioner and the beneficiary met in person within the two-year period immediately prior to the filing date of the petition.

The petitioner submitted copies of his passport, which contains admission stamps into Jamaica on January 4, 2008 and August 30, 2012. The petitioner indicated at Part B on the petition form, Form I-129F, that he first met the beneficiary online in 2009 and visited the beneficiary in Jamaica five times since 2009. The petitioner's diplomatic passport contains no admission stamps into Jamaica and his personal passport contains only one admission stamp into Jamaica since 2009. There is no explanation as to how the petitioner visited the beneficiary in January 2008 despite asserting that he first met her in 2009. It is incumbent on the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. 582, 591-592 (BIA 1988).

In any case, the requisite time period during which the personal meeting between the petitioner and the beneficiary must occur is within the two year period before the filing date of the petition. Section 214(d)(1) of the Act. The petitioner has not submitted probative evidence that he met the beneficiary in person between July 11, 2010 and July 11, 2012.

Conclusion

The appeal will be dismissed for the above stated reasons. 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 not been met. As stated at 8 C.F.R. § 214.2(k)(2), the denial of this petition is without prejudice to the filing of a new petition.

(b)(6)



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NON-PRECEDENT DECISION

ORDER: The appeal is dismissed.