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U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **JAN 04 2008**
WAC 07 077 52994

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Petition for Alien Fiancé(e) Pursuant to Section 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:

This is the decision in your case. All documents have been returned to the office that originally decided your
case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now on appeal before the Administrative Appeals Office (AAO). 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 Thailand, 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 petition after determining that the record was incomplete and did not contain the requested photographs required by the instructions for a Petition for an Alien Fiancé(e) (Form I-129F). *Decision of the Director*, dated June 5, 2007.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), 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 two 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. . . .

8 C.F.R. § 103.2(a) states in pertinent part:

- (1) *General.* Every application, petition or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, each instruction being hereby incorporated into the particular section of the regulations requiring its submission...

The AAO notes that the instructions for completing Form I-129F state that the petitioner and beneficiary must submit one **passport** style photograph.

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with Citizenship and Immigration Services on February 7, 2007. The Director then requested the additional documentation from the petitioner. On May 17, 2007, the petitioner submitted all of the documentation requested except the passport style photographs of himself and the beneficiary.

On appeal, the petitioner submits passport style photographs of himself and the beneficiary. Accordingly, the AAO finds that the petitioner has now complied with the instructions for filing the Form I-129F and the appeal will be sustained.

ORDER: The appeal is sustained.