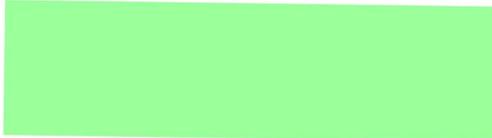


(b)(6)

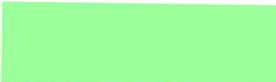


U.S. Citizenship
and Immigration
Services

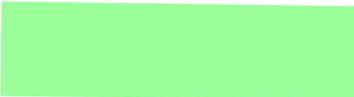


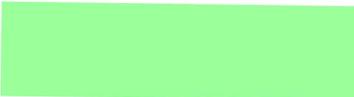
Date: **JAN 14 2015**

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:

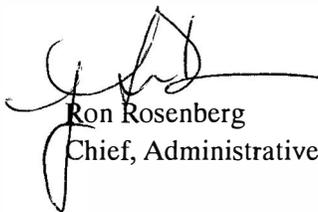
SELF-REPRESENTED

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.

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center (the director), denied the nonimmigrant visa petition, and the matter came before the Administrative Appeals Office (AAO) on appeal. We dismissed the appeal and the matter will be reopened *sua sponte*. The AAO's December 16, 2014 decision will be withdrawn, and the appeal will be sustained.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 the Philippines, 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 her admission.

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 instructing the petitioner to submit, in relevant part, "a letter of intent to marry for the beneficiary." The petitioner

responded to the request with some of the evidence requested, but did not include a letter signed by the beneficiary expressing her intent to marry within 90 days of her 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 stated that he intends to marry the beneficiary. Noting that the record still lacked evidence that the beneficiary intended to marry the petitioner within 90 days of her admission into the United States, we issued a request for evidence on September 12, 2014.

The petitioner has now submitted a letter from the beneficiary expressing her intent to marry the petitioner within 90 days of her admission into the United States.

Analysis

The petitioner has submitted all the requested evidence. The record now contains a letter from the beneficiary indicating her intent to marry the petitioner within 90 days of her admission into the United States. The appeal will therefore be sustained.

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 AAO's December 16, 2014 decision is withdrawn. The appeal is sustained.