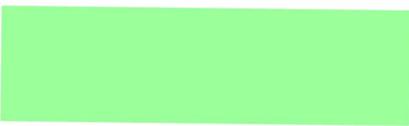




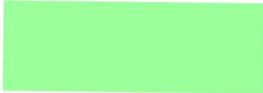
U.S. Citizenship
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Services

(b)(6)



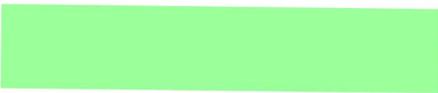
DATE: Office: CALIFORNIA SERVICE CENTER

FILE:



JAN 15 2015

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 (director), denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and 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 the Philippines, as the fiancé(e) 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 because the petitioner failed to support his claim that he merited a favorable exercise of discretion regarding his request for a waiver of the limitations against the filing of multiple fiancée petitions pursuant to section 214(d)(2)(B) of the Act, 8 U.S.C. § 1184(d)(2)(B).

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 states, in part:

The petition . . . shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties . . . have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States . . .

Section 214(d)(2)(A) of the Act provides, in part, that:

the Secretary of Homeland Security may not approve a petition under paragraph (1) unless the Secretary has verified that –

- (i) The petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and
- (ii) If the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

Section 214(d)(2)(B) of the Act provides that U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, waive the filing limitations if justification exists for such a waiver.

Facts and Procedural History

The petitioner filed the fiancé(e) petition with USCIS on March 5, 2014. On April 8, 2014 the director issued a request for evidence (RFE), advising the petitioner that records showed that he had previously filed multiple fiancé(e) petitions. The director notified the petitioner that he was subject to the International Marriage Broker Regulation Act (IMBRA) provisions barring multiple filings and would

have to submit a request a waiver of the filing limitations. In response, the petitioner submitted a letter, dated May 10, 2014, stating that he previously filed four other I-129F petitions and explained the circumstances for each filing, as follows:

1. [REDACTED] (November [REDACTED]). He decided not to marry her when her ex-husband came from Washington State to stop the visa issuance.
2. [REDACTED] (August [REDACTED]). She came to the United States and he married her; they divorced after three years of marriage.
3. [REDACTED] (January [REDACTED]). He married her and three days later she returned to the Philippines and never returned.
4. [REDACTED] (February [REDACTED]). He withdrew the application when he learned she was dating someone else.

The director reviewed the petitioner's history of filing petitions for fiancé(e) visas and determined that the petitioner did not merit a favorable exercise of discretion. She denied the petition as barred by IMBRA. On appeal, the petitioner submits a statement.

Analysis

We review the evidence *de novo*.

On appeal, the petitioner asserts that he should be granted a waiver because he loves the beneficiary and she loves him. He states that in time he and the beneficiary want to return to the Philippines and live in the house that she owns there. He states that his wife of three years used him to get a permanent visa, and that she did not marry him for the right reasons. The petitioner does not address on appeal his marriage of three days, and does not describe extraordinary circumstances that prevented him from marrying the beneficiaries of the two failed petitions. The petitioner has a pattern of multiple unsuccessful fiancé(e) visa petition filings, and of one marriage following the issuance of a fiancée visa that lasted only three days. Upon review of the evidence in its entirety, the petitioner has failed to demonstrate by probative and credible evidence that he merits a favorable exercise of discretion to waive the filing limitations imposed by IMBRA. Thus, the petitioner's request for a waiver is denied.

Conclusion

The record establishes that the petition is subject to the filing limitations of IMBRA, and the petitioner has not established that he is eligible for a waiver of the limitations. As such, the director's decision to deny the petition shall not be disturbed.

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). Here, the petitioner has not met that burden.

ORDER: The appeal is dismissed. The petition remains denied.