



U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: JUL 13 2015

FILE: [REDACTED]

PETITION RECEIPT: [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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, 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 native and citizen of the United States who seeks to classify the beneficiary, a native and citizen of England, as the fiancé 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 required evidence, specifically evidence from the beneficiary that he intends to marry the petitioner within 90 days of his admission to the United States.

*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 his 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 Form I-129F, 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 Form I-129F on September 29, 2014, and included an undated letter; her birth certificate; her U.S. passport; Forms I-325A, Biographic Information, for herself and the beneficiary; passport-style photos of herself and the beneficiary, and travel documentation establishing that she met the beneficiary in person during the two-year period immediately preceding the filing of the petition. On October 27, 2014, the director sent the petitioner a request

for evidence of the couple's mutual intention to marry within 90 days of the beneficiary's admission to the United States. In response to the director's request, the petitioner submitted a statement of her intent to marry the beneficiary within 90 days of his admission to the United States. However, the petitioner did not submit the requested statement from the beneficiary. The director therefore denied the application.

On appeal, the petitioner states that she was unaware that the beneficiary also was required to submit a separate statement of his intent to marry her within 90 days of his admission. The petitioner submits statements from the beneficiary and herself of their mutual intent to marry each other within 90 days of the beneficiary's admission to the United States.

#### *Analysis*

The record reflects that the petitioner is a U.S. citizen, the petitioner met the beneficiary in person during the two-year period immediately preceding the filing of the petition, the petitioner and the beneficiary have a mutual intent to marry, and are legally able and willing to conclude a valid marriage in the United States within a period of 90 days after the beneficiary's arrival in the United States.

#### *Conclusion*

Because the petitioner has met all of the Form I-129F evidentiary requirements, the appeal will be sustained and the petition will be approved. In 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. The petition is approved.