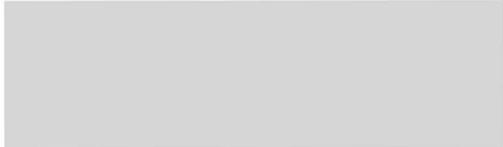




U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE:

**JUN 12 2015**

FILE:

PETITION RECEIPT #:

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:

INSTRUCTIONS:

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

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the petition. 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 Laos, 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 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 May 15, 2014 without sufficient supporting evidence. For this reason, on June 12, 2014, the director issued a request for additional evidence instructing the petitioner to submit a letter from the beneficiary of her intent to marry within 90 days of her admission into the United States and passport-style photographs for the

petitioner and the beneficiary. The petitioner submitted passport-style photographs of himself and the beneficiary, but did not submit a letter signed by the beneficiary expressing her intent to marry within 90 days of her admission into the United States. On August 1, 2014, the director issued another request instructing the petitioner to submit evidence of the beneficiary's intent to marry the petitioner within 90 days of admission to the United States. The petitioner, however, failed to submit the requested evidence.

On September 17, 2014, 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 submits telephone records, travel itinerary, airline boarding passes and letters from family members and acquaintances expressing the petitioner's intent to marry the beneficiary.

*Analysis*

While the petitioner has submitted evidence of an intent to marry, the evidence does not establish that the marriage will occur within 90 days of the beneficiary's admission into the United States. Therefore, the petitioner has not submitted all of the required initial evidence.

*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.

**ORDER:** The appeal is dismissed.