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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



Date: **JUN 15 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.

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, Texas 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 Cambodia, 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 initial evidence, specifically, proof that the petitioner and beneficiary met in person within two years of the date the petitioner filed Form I-129F, Petition for Alien Fiancé(e) (Form I-129F). On appeal, the petitioner requests review of her petition and submits additional evidence.

#### *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, 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 with USCIS on May 10, 2013, without sufficient supporting evidence. For this reason, the director issued a request for additional evidence, including evidence of having previously met within two years of filing the Form I-129F. In response, the petitioner submitted additional documentary evidence, including a letter, photographs, a Western Union money transfer receipt and phone cards.

The director denied the petition, finding that the petitioner had failed to submit evidence to establish that she and the beneficiary had met as required under section 241(d) of the Act. On appeal,<sup>1</sup> the petitioner states that she loves her fiancé very much and that they frequently communicate by phone and Skype. She also provides an undated and unstamped greeting card from the beneficiary.

### *Analysis*

The petitioner has not submitted probative evidence that she and the beneficiary met in person between May 10, 2011 and May 10, 2013, which is the two-year period immediately preceding the filing of the petition, or evidence that the petitioner merits a favorable exercise of discretion to exempt her from such requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2).

The record reflects that the petitioner and beneficiary met in Cambodia in August 2010. On Form I-129F she claimed to have stayed with his family for two months during that visit. The record also includes a photocopied letter from the consular section of the U.S. Embassy in [REDACTED] dated August 30, 2010, concerning the petitioner requesting notarization of documents necessary for her marriage to the beneficiary. In addition, the chief of a Buddhist monastery, according to a letter dated October 30, 2013, claims to have prayed for the couple at their engagement ceremony on September 4, 2010.

The meeting for which the petitioner has submitted evidence falls outside the two-year period immediately preceding the filing of the petition. While the record shows they met in 2010, the petitioner submits no evidence to demonstrate that she met the beneficiary between May 10, 2011, and May 10, 2013, the relevant two-year period immediately preceding the filing of the instant petition.

### *Conclusion*

The appeal will be dismissed for the above stated reasons. In fiancé 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. The petition remains denied.

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<sup>1</sup> Although the appeal was filed on January 23, 2014, the AAO did not receive it until December 9, 2014.