



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF E-L-R-

DATE: SEPT. 23, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129F, PETITION FOR ALIEN FIANCÉ(E)

The Petitioner, a citizen of the United States, seeks to classify the Beneficiary as a fiancée of a United States citizen. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). The Director, Vermont Service Center, denied the petition. The matter is now before us on appeal. The appeal will be sustained.

On December 17, 2012, the Director denied the nonimmigrant visa petition because the Petitioner did not submit any required evidence. We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). We consider all pertinent evidence in the record, including new evidence submitted upon appeal.

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 Form I-129F, including a description of the required initial evidence, may be found in the *Instructions* to the Form I-129F.

(b)(6)

Matter of E-L-R-

The Petitioner filed the Form I-129F on March 20, 2012 without any supporting evidence. For this reason, without issuing a request for evidence, the Director denied the petition. On appeal, the Petitioner submits evidence relevant to the Form I-129F, including:

- Letters from himself and the Beneficiary attesting to their intent to marry each other within 90 days of the Beneficiary's entry into the United States.
- A copy of his naturalization certificate, U.S. passport, and Ecuadorian passport.
- Passport-style photographs of himself and the Beneficiary.
- A Form G-325A, Biographic Information, for the Petitioner.
- A Form G-325B, Biographic Information, for the Beneficiary.¹
- A Form I-134, Affidavit of Support.
- A copy of the Beneficiary's passport, Colombian identification card and birth certificate.
- Wire transfers from himself to the Beneficiary.
- A hotel receipt as evidence of the Petitioner's 2012 travels to Colombia.
- A letter explaining how he met the Beneficiary.
- Correspondence between himself and the Beneficiary.
- Financial documentation, including evidence of income.
- Photographs of himself with the Beneficiary.
- Documents in Spanish without a certified English language translation.

The Petitioner and Beneficiary's passports reflect that they were together in Ecuador from July 6, 2008 until July 12, 2008. Furthermore, the Petitioner's passports, hotel receipts, and other documentation demonstrate that the Petitioner visited ██████ Colombia, the Beneficiary's place of residence, from March 2, 2012 to March 6, 2012. Therefore, the Petitioner has established that he last met with the Beneficiary on March 6, 2012, fourteen (14) days prior to filing the instant Form I-129F.

On appeal, the Petitioner submits all of the required initial evidence lacking from the record. In view of the foregoing, we find that the Petitioner has overcome the basis for the Director's denial of the instant petition. Accordingly, the appeal will be sustained.

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 appeal is sustained.

Cite as *Matter of E-L-R-*, ID# 12867 (AAO Sept. 23, 2015)

¹ We note that the Beneficiary should submit a Form G-325A, not a Form G-325B, with her original signature when she submits her visa application abroad.