



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

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

MATTER OF O-G-B-

DATE: FEB. 9, 2016

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 fiancé of a U.S. 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 before us on appeal. The appeal will be dismissed.

The Director denied the Petition because the Petitioner did not submit a passport-style photograph of herself. On appeal, the Petitioner provides her passport-style photograph.

Upon our review of the record, however, we noted that the Petitioner had not provided all of the required initial evidence. Therefore, on September 29, 2015, we issued a request for evidence (RFE), requesting proof of the parties' intent to marry each other within 90 days of the Beneficiary's admission into the United States. Pursuant to 8 C.F.R. § 103.2(b)(8)(iv), the Petitioner was allowed 12 weeks from the date of this request to respond and was informed that the failure to respond in the specified time would be considered a request for a decision based on the record. 8 C.F.R. § 103.2(b)(13). We notified the Petitioner that after the 12-week period allowed for her response, we will issue a decision taking into account all of the evidence on the record, including any additional evidence timely submitted in response to the RFE.

As of the date of this decision, the record does not include a response to the RFE. Therefore, we will adjudicate the appeal based on the record as of the date of this decision.

The *Instructions* to the Form I-129F require that both the Petitioner and the Beneficiary state their intent to marry one another within 90 days of the Beneficiary's admission to the United States in K-1 status. The record still lacks evidence from the Petitioner and the Beneficiary of their intention to marry each other within 90 days of the Beneficiary's admission to the United States in K-1 status. Although the record includes a statement from the Petitioner that details their relationship, this evidence does not meet the requirement that Petitioner and the Beneficiary state the intent to marry one another within 90 days of the Beneficiary's admission into the United States in K-1 status.

As the Petitioner has not submitted all of the required initial evidence on appeal, the Director's decision to deny the petition shall not be disturbed.

*Matter of O-G-B-*

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.

**ORDER:** The appeal is dismissed.

Cite as *Matter of O-G-B-*, ID# 10860 (AAO Feb. 9, 2016)