



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

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

MATTER OF A-G-A-

DATE: FEB. 17, 2016

APPEAL OF CALIFORNIA 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(e) 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, California Service Center, denied the Petition. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the nonimmigrant visa petition because the Petitioner did not establish that he met the Beneficiary in person within two-year period immediately preceding the filing of the Form I-129F, Petition for Alien Fiancé(e), or demonstrate that meeting the Beneficiary within the requisite time period would result in extreme hardship to the Petitioner. On appeal, the Petitioner submits additional evidence.

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

(b)(6)

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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*.

The Petitioner filed the fiancé(e) petition with USCIS on April 13, 2015, without sufficient supporting evidence. For this reason, on May 27, 2015, the Director issued a request for additional evidence. In response, the Petitioner submitted additional documents, including statements from the Beneficiary of her intent to marry the Petitioner upon admission into the United, a copy of the Petitioner's U.S. Passport with immigration stamps from Mexico dated December 17, 2010 and December 2, 2012, a copy of a boarding pass from [REDACTED] dated December 17, 2010, a copy of the Beneficiary's foreign divorce decree with accompanying English translation, and a copy of the Petitioner's divorce decree. The Petitioner did not submit evidence to show that he and the Beneficiary met each other in person within the two-year period immediately preceding the filing of the petition. The Director found the evidence insufficient and denied the petition on July 6, 2015. The Director determined that the Petitioner had not submitted credible and probative evidence to establish that he and the Beneficiary met in person during the two-year period (April 13, 2013 through April 13, 2015) immediately preceding the filing of the petition as required under section 214(d) of the Act. The Director also noted that the Petitioner had not claimed nor submitted evidence that meeting the Beneficiary in person within the requisite period would result in extreme hardship to the Petitioner.

On appeal the Petitioner submits a copy of a [REDACTED] boarding pass for a flight from [REDACTED] on June 22, 2014. The Petitioner does not submit any other documentation regarding this trip.

Although the Petitioner submitted a copy of the [REDACTED] boarding pass as evidence that he traveled to Mexico on June 22, 2014, we find the document insufficient evidence to establish that the Petitioner and Beneficiary met each other in person during the requisite period. Probative evidence of such meeting includes, but is not limited to, a copy of the Petitioner's U.S. passport reflecting entry/exit stamps from Mexico immigration confirming the Petitioner's travel to Mexico on June 22, 2014, photographs of the Petitioner and the Beneficiary together taken in Mexico with notations of where and when the photographs were taken, and statements or affidavit from witnesses with details of the Petitioner's trip to Mexico to meet the Beneficiary.

The Petitioner has not submitted probative evidence demonstrating that he and the Beneficiary had met between April 13, 2013 and April 13, 2015, as required under section 214(d) of the Act. The Petitioner does not request a waiver of the meeting requirement or submit evidence to establish that complying with such meeting requirement would result in extreme hardship to him. In addition, the record still lacks a statement from the Petitioner of his intent to marry the Beneficiary within 90 days of the Beneficiary's admission into the United States.

The appeal will be dismissed for the above-stated reasons. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here the Petitioner has not met that burden.

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ORDER: The appeal is dismissed

Cite as *Matter of A-G-A-*, ID# 15463 (AAO Feb. 17, 2016)