



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

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

MATTER OF B-M-S-

DATE: FEB. 22, 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 pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the Petitioner failed to submit required initial evidence, including evidence that the Petitioner and Beneficiary had met within the required two-year period preceding the filing of the petition. On appeal, the Petitioner did not submit any 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 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 Form I-129F on February 3, 2014, without sufficient supporting evidence, including evidence that the Petitioner and Beneficiary had met within the two years preceding the filing of the petition, evidence of the Petitioner and Beneficiary's intent to marry within 90 days of the Beneficiary's entry into the United States, copies of the Petitioner's passport, Forms G-325 for the Petitioner and Beneficiary, a criminal record check, and passport-style photos. For this reason, the Director issued a notice of intent to deny and, in response, the Petitioner submitted a copy of a travel itinerary to Iran, passport-style photos of the Petitioner and Beneficiary, a completed acknowledgement of a criminal record check for the Petitioner, a copy of the first page of the Petitioner's passport, and an undated photograph of the Petitioner and Beneficiary.

The Director denied the petition, finding that the Petitioner had failed to submit evidence to establish that he and the Beneficiary had met during the two-year period immediately preceding the filing of the petition as required under section 214(d) of the Act, or that he merits a waiver of the meeting requirement, or evidence of the Beneficiary's intent to marry within 90 days of entering the United States.

On October 22, 2015, we issued a request for evidence (RFE), requesting that the Petitioner submit evidence of the Petitioner and Beneficiary having met in person within the two-year period preceding the filing of the petition, including the relevant pages of his passport showing entry and exit stamps and any visas, as well as a passport photo of the Beneficiary that meets USCIS requirements. The Petitioner did not respond.

The Petitioner has not submitted sufficient evidence that he and the Beneficiary met in person between February 2, 2012, and February 2, 2014, which is the two-year period immediately preceding the filing of the petition. The Petitioner has not asserted that he merits a favorable exercise of discretion to exempt him 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 contains a copy of an itinerary for travel to Iran from December 24, 2013, to January 8, 2014, but there is no other evidence establishing the Petitioner and Beneficiary met during the required-two year period. There are no receipts for the purchase of airline tickets, copies of a visa to enter Iran, entry or exit stamps in the Petitioner's passport, or other documents which would corroborate the Petitioner's assertion that he traveled to Iran and met the Beneficiary in December 2013.

The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of B-M-S-*, ID# 13813 (AAO Feb. 22, 2016)