



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

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

MATTER OF A-R-

DATE: MAR. 2, 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 the 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, California Service Center, denied the petition. The matter is now before us on appeal. The appeal will be sustained.

The Director denied the nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the Petitioner failed to submit evidence of the Beneficiary's intent to marry within 90 days of her admission into the United States. On appeal, the Petitioner again did not submit the required evidence in support of the Petition for Alien Fiancé(e). On December 21, 2015, we issued the Petitioner a request for evidence (RFE) indicating that the record lacked required evidence of intent to marry within 90 days of the Beneficiary's admission and requesting the missing 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

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

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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 December 8, 2014 without sufficient supporting evidence. The Director sent an RFE dated January 5, 2015 providing the Petitioner a chance to submit the required evidence, but the Petitioner's February 17, 2015, submission was again incomplete. For this reason, the Director denied the petition, finding that the Petitioner had failed to submit evidence to establish that the Beneficiary intended to marry her within 90 days of admission to the United States. On appeal, the Petitioner did not submit a statement of intent to marry from the Beneficiary, and we issued another RFE. On February 22, 2016, we received the Petitioner's RFE response containing the Beneficiary's signed statement.

The record now contains statements from both the Petitioner and the Beneficiary indicating their mutual intent to marry within 90 days of the Beneficiary's U.S. admission.

The appeal will be sustained 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 been met.

ORDER: The appeal is sustained.

Cite as *Matter of A-R-*, ID# 14773 (AAO Mar. 2, 2016)