U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[redacted] PUBLIC COPY

File: [redacted] Office: TEXAS SERVICE CENTER Date: FEB 1 2001

IN RE: Petitioner:
Beneficiary: [redacted]

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

Identification data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of $110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Mary C. Mulrean, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was approved by the Director, Texas Service Center. Pursuant to an investigation conducted by the U.S. Department of State in Port-au-Prince, Haiti, the director determined that the petitioner was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of his intent to revoke the approval of the nonimmigrant petition, and his reasons therefore, and ultimately revoked the approval of the petition on August 26, 2000. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Haiti, as the fiance(e) of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K).

The director revoked the petition after determining that the petitioner and the beneficiary did not have a bonafide intent to marry, as required by section 214(d) of the Act.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiance(e)" as:

> An alien who is the fiancee or fiance 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 entry....

Section 214(d) of the Act, 8 U.S.C. 1184(d) states in pertinent part that a fiancee petition:

> shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bonafide 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 issue to be examined in this proceeding is the intent of the petitioner and the beneficiary to enter into a bonafide marriage. According to Black's Law Dictionary (Fifth Edition, West Publishing Company, 1979), bonafide means without deceit or fraud, and, in or with good faith.

The director revoked the petition based upon information that was gleaned during an interview at the U.S. Embassy in Port-au-Prince, Haiti with the petitioner and the beneficiary. According to U.S. Embassy personnel, the petitioner and beneficiary provided discrepant information concerning issues that should have been

known to both individuals, including where the petitioner stayed when she visited Haiti and whether the beneficiary bought a wedding ring for the petitioner. U.S. Embassy personnel found that the beneficiary knew very little about the petitioner and recommended that the director revoke his approval of the petition.

On appeal, the petitioner states the reasons for appealing the director's decision:

1. Interview glass in Haiti was too thick for hearing.
2. They had him very nervous the way they interviewed him.
3. They didn't even ask five questions.
4. Understanding of money exchange.
5. I love him and want to be his other half.
6. Racial discrimination because of race and color.

The petitioner did not elaborate on any of the reasons she cited for appealing the decision, and she indicated on the Form I-290B that she was not submitting a separate brief or evidence. As no additional information has been provided in support of the appeal, the record is considered complete.

The petitioner has not provided any information that would persuade the Service to overturn the director's decision to revoke the petition. Without specific details concerning how the director's conclusions were flawed based upon the available evidence, the petitioner has not met her burden of establishing that the director improperly revoked the petition on the ground that the petitioner and beneficiary do not have a bonafide intent to marry. Therefore, the director's decision is affirmed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.