

110 8th Street
New Cumberland, PA 17070
March 5, 2009

Law Offices Of John Roth
210 Main Street
Nanuet, New York 10954

Dear Mr. Roth:

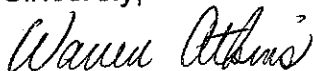
Enclosed please find the submission you asked me to prepare for you regarding your complaint to the DoS about the consulate visa practices in Guangzhou.

If there are any changes you would like to see made, please email me at Splinterman@verizon.net with the specific changes you'd like and I can do them for you. Possibly depending on the changes requested I can then forward them to you by email.

It's my sincere wish that your efforts be successful to change the way the consulate is doing business in Guangzhou. My fiancée is also behind this effort 100% as well as many if not all of the members of Candleforlove.com.

Thank you for allowing me to be part of your Complaint. I can only hope that Guangzhou seeing my name and documents in your Complaint it will not adversely affect our next visa submission. However, I am not planning on going through Guangzhou again.

Sincerely,



Warren Atkins

Encls

110 8th Street
New Cumberland, PA 17070
March 4, 2009

Ambassador Janice L. Jacobs
Assistant Secretary for Consular Affairs
U.S. Department of State
2201 C Street NW
Washington, DC 20520

RE: LI, Lijuan Case Number GUZ2008-601-063

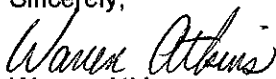
Dear Ambassador Jacobs:

I am the Petitioner in a K-1 Visa case which was adjudicated by the US Consulate in Guangzhou, China on August 21st, 2008. My Beneficiary's name is Lijuan Li, whom I have known now for over 2 years. Our case was denied by an unidentified visa officer under INA 221(g), with a cite of Not A Bona Fide Relationship at that interview and an indication it would be returned to the USCIS for Review/Revocation. Since that time I have repeatedly made numerous and extensive efforts to obtain the specific reason(s) why my fiancée was denied this visa, by contacting the State Department, the Guangzhou consulate and including your office twice via email. My attorney, Holmes and Lolly, had prepared a legal brief which was forwarded to the IV Chief in Guangzhou and also to my congressional representative, Arlen Specter's office in Harrisburg, PA for their assistance in obtaining the reason(s) for the denial and to request a review of the file by the IV Section Supervisor. To date, that brief goes unanswered and all of these combined efforts have produced nothing but form letters which fail to give any specific information regarding the reason(s) for the denial and in fact, they all read precisely the same.

Ambassador Jacobs, this entire ordeal has been intensely stressful for both my fiancée and myself. I've read the INA and the FAM as well as a number of policy letters, directives, etc. which govern the adjudication of visa petitions and I see that not only are we entitled to know the reason(s) for our denial, in writing, at the time it was rendered but also that in reaching that decision the Guangzhou consulate has not operated within the applicable laws and the scope or intent of those written instructions. I remain convinced that our application was not adjudicated fairly nor given due consideration. The more effort I make to determine the real reason(s) behind our denial, the more mentally and physically stressful it has become not only on myself but for my fiancée, as well. We have both lost more than just sleep over being in this 'limbo' and the entire episode has worn on us considerably. It has also affected my health and has begun to cause me concern with regards to my employment. I am continuing to try and obtain the reason(s) for our denial through both DOS and USCIS Freedom Of Information Requests as well as through Senator Specter's office and my attorney's inquiries as well.

I proceed now to detailed description of the history and sincerity of my relationship with Lijuan because that is the very heart of the matter in this case.

Sincerely,



Warren Atkins

Petitioner

GUZ2008-601-063

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- Appendix 1) Evolution Of Relationship/History Of Petition Letter, 8pps
- Appendix 2) Email copy from Attorney Allan Lolly confirming Guangzhou operating in violation of procedure and our wish that Guangzhou respond to his legal brief, 1 p.
- Appendix 3) Responses received by Senator Specter's office from both Guangzhou and State Department in regards to his/their inquiries for the reason(s) for denial in my case. (Guangzhou Ltr. 9/30/08, State Department Ltr. 9/30/08, Guangzhou Ltr. 12/30/08) 4 pps.
- Appendix 4) Letters/email responses from State Department (Conway, 2pps, Woodley, 1p, unidentified source email from Vincent Wilson, 1p.
- Appendix 5) Numerous emails to and responses from Guangzhou requesting reason(s) for Lijuan's K-1 denial and why Guangzhou is not in compliance with INA, FAM, Policy Letters, Directives, etc., on visa adjudication. 11pps.
- Appendix 6) USCIS Administrative Decisions (2) (Jan 08, 2007 LIN 05 023 53986 and Feb 2, 2007, LIN 05 114 54677) establishing that 'not a bona fide relationship' nor closeness of a relationship is not proper grounds for the denial of a visa under the INA.
- Appendix 7) Legal brief composed by Holmes and Lolly, sent to the Guangzhou IV Chief and Senator Specter's office, with no response from Guangzhou. 18pps.

My name is Warren Atkins and I am the Petitioner in K-1 visa petition processed through the Guangzhou consulate. My fiancée's name is Li Lijuan and she is my Beneficiary. Lijuan's visa interview was conducted on 8/21/08 when she was denied a visa under INA 221(g) 'Not A Bona Fide Relationship'. We have spent several months and countless hours trying to obtain the specific reason(s) for this inadmissibility/visa denial, as we are rightfully entitled to under INA 221(b), 9FAM 42.81PN1 and several other various DOS, DHS and USCIS Policy Letters, Directives and Processing Guidelines provided to all consulates. To date, all inquiries either by myself or by my congressional representative to obtain these reasons from Guangzhou, the DOS and the USCIS have been unsuccessful and I have received nothing but an ongoing and continuous run-around in the form of letters, emails and like-correspondence that provides the same rhetoric and intentionally vague information from officials in Guangzhou, the State Department and other government agencies that possess the records and knowledge of these reasons.

In September 2005, I separated from my wife of almost 9 years. Approximately one month later I filed for divorce and sometime after that I instructed my attorney to withhold the processing of the divorce because my wife was being less-than-cooperative in setting forth a legal Property Settlement. At no time was this hiatus intended to imply an attempt at reconciliation. My then future ex-wife was a physical, verbal and emotional abuser who had previously been arrested for DUI as well as a physical assault on the father of 2 of her three children and she had numerous affairs throughout the term of our marriage and relationship. No reconciliation was ever contemplated by myself.

Between September 2005 and approximately October 2006, I had healed emotionally enough to think about looking for a new relationship and I dated several women I had met locally. None of these led to any significant relationships as the women I had met were all looking for what materialistic things I could provide them with and were not really interested in pursuing an equal and loving relationship of any substance.

I had always been attracted to Asian women because of their reputation for loyalty, fidelity and devotion to family and these were qualities I had always wanted in my marriages but never had with my former spouses, so I joined an introduction service called CHN Love that gave me exposure to Chinese women. Between October 2006 and January 2007 I exchanged letters with a number of Chinese ladies but did not find any that I felt were personally compatible and shared the same priority of values as I had. But in February 2007, that changed.

On, I believe February 2nd 2007, I received a letter from Ms. Li Lijuan that I instantly felt was different from any of the others I had received. I answered this letter and we began exchanging letters with one another at least once per day and sometimes several times each day. We both found that our values and expectations were delightfully the same and we shared the same outlook on life and things in general. We also found that we had both suffered through at least one abusive marriage and we talked about that between us. Lijuan, or Joey as was her English name, had been married for slightly less than one year to a man who drank, did not work and who beat and verbally abused her.

Joey and I continued to exchange letters daily and we both instructed the CHN Love agency to 'hide' our profiles so they could not be viewed or accessed by others while we explored the possibility of a serious relationship with one another. We wanted no interference in the form of letters from others as we both were initially feeling that we had found our 'special someone'.

Sometime about late March or April 2007 we had started to seriously discuss my traveling to China to meet in person. I thought this was a great idea because since I was a young boy I had always wanted

to go to China, and my 50th birthday was in June of 2007. So, going to China to meet Joey was not only a lifetime dream vacation for me but it also was a great opportunity for Joey and I to see if our attraction to one another was what both of us wanted. Joey put it best when she told me that she had given me 80% of her heart but she was saving the other 20% until we met so she would know if I was the one for her. I felt the same exact way.

I made all flight and hotel arrangements and left for China on June 6th and arrived in Nanning, China on my 50th birthday, the afternoon of June 8th. I was very tired from traveling almost 24 hours but I still clearly remember walking into the Nanning airport where there were so many people waiting for their loved ones and *instantly seeing* Joey standing there in the crowd with the biggest and most beautiful smile I had ever seen! At once I felt the fatigue just evaporate from my body and it was replaced by nothing short of a thunderbolt when our eyes locked amidst so many other people! I knew at that moment that Joey was *definitely* "The One"! I was so captivated by Joey I had never seen or noticed that she was accompanied by the translator from the local CHN Love agency named Chris. All I saw was Joey's sunbright smile. I walked up to her and we gave each other a big hug and a hello and we just laughed and talked while I got my luggage. It was the beginning of the best two weeks of my entire life!

My main suitcase had been left in LA by the airline so I only had two small bags and a laptop computer that I had secretly purchased several days before my trip so I could give it to Joey. I wanted us to be able to communicate directly with each other, in English, using a webcam and through Yahoo Messenger, and I had bought the computer for Joey.

Up until this time, I had sent Joey little gifts through a buying service on CHN Love and even sent some small jewelry like earrings in the mail from the US. Joey NEVER asked me for money or referred to money or needing money at all. In fact, when I tried to talk about money she always would just change the subject. I was fully aware that money *never* played any part in our relationship. The computer was strictly my idea and Joey had no clue I was bringing one to her.

Joey had been taking English classes before even meeting me and at that time her English was about fair, but we were still able to communicate effectively with one another. We were so good at this that we rarely needed the services of the translator the agency provided while I was in China. We also used an electronic translator that Joey had borrowed from a friend. We liked it so much that Joey later bought one herself. Now, she uses it only sporadically to enlarge her English vocabulary.

After going to my hotel and checking in we tried to go to a bank so I could cash in some Traveler's Checks so I could get some RMB to pay any expenses but we got to the bank too late. It was a Friday evening and all of us then went to dinner at the hotel restaurant and we shared a bottle of wine to celebrate my birthday and arrival, and Joey and I finally meeting one another. Because I had no RMB Joey paid for our dinner. Afterwards we went back to the hotel and I met the head of the local CHN Love agency, Alice, and we talked for a little while in the lobby. Chris then told me that we would be meeting another couple very early the next morning at the bus station and we would all be going to a seaside town called Bei Hai, to enjoy the ocean and the city.

We said our goodnights and I thought Joey would be going back to her apartment until the next morning but I was happily surprised when she asked me if, since I would only be in China for 2 weeks, we could be together with each other the whole time so we could really get to know one another. I was so happy, and very impressed with her sincerity to make the most of our time together!

The trip to Bei Hai was excellent! I was ecstatic to be with Joey and to be in China. We managed to

get to a bank and cash in some Traveler's Checks so I now had money for our expenses-once again Joey paid for our bus fare that morning-and over her refusal I made her take the money for our dinner the night before and our bus fare that day to Bei Hai. Chris, the translator, commented that we really didn't need her services at all because of how well Joey and I communicated so she asked if we minded that she work mainly with the other couple. We were just fine with that.

The most sad part of my trip was learning that about 3 days before I arrived in China Joey's father-who had been ill for a while-had passed away. I was simply amazed that this woman who had just suffered one of life's tragic events-the death of a parent-had not said anything to me about her father's passing because she did not want to ruin my trip! I found out when a few times I saw some tears in her eyes and I kept asking her what was wrong until she finally told me. Joey tried to hide it until I asked her about meeting her family, and it was then that she explained to me Chinese custom dictated that it was unlucky for anyone to visit the house where a death had recently occurred, so I couldn't go to Xinfu, her hometown to meet her mother, brothers and sisters. It wasn't unlucky for them-it was considered unlucky for me. Considering my past marriages I didn't need any more bad luck...

But, Joey's oldest sister Jade was in Nanning and one afternoon Joey and I met her sister and her son and infant grandson at a park in Nanning, and we walked to a nearby restaurant and had a wonderful lunch together. Joey translated for us and we all had a great time talking and eating, and Joey and her relatives had great fun at watching me try to feed myself with chopsticks!

Joey and I spent every moment together and we bonded so easily and completely. We were like the two covers of a book together. I knew in my heart that this woman was The Special One and I could sense Joey felt the same way. Our days were spent seeing the local sights, finally getting my suitcase from the airline 3 days later and even one day meeting Jade again with her two young granddaughters, Xixi and Xinyi, and taking them to a nature park. The little girls were exquisitely beautiful and they really took to me, as I to them. As we walked through the park and later Nanning together, the girls wouldn't hold anyone else's hand but mine. We took a lot of pictures together. Joey's sister Jade, although she spoke no English, and I really got along well and we were able to communicate also with some sign language. We obviously really enjoyed meeting each other and I was very grateful that she would allow me the honor of meeting and interacting with her young granddaughters and also their parents-Jade's son and daughter-in-law. I was very impressed at the openness and acceptance that Joey's sister and family were showing me.

Joey and I decided to take a trip to Beijing. We found that we BOTH loved to travel although Joey never could before because she didn't have enough money to do that. Joey's cousin owned a travel agency and he got us some good prices on airline tickets to Beijing, so we went. I had printed some information from the internet about hotels in Beijing before I left home so I had the name of some hotels we could check out without going into a strange city blindly.

Joey had never been on an airplane before and she was just THRILLED with her first experience flying. We got to Beijing and settled in at a hotel we both chose on the plane from my papers, and we began to look around Beijing. We were in Beijing for about 4 days and we visited Tiananmen Square, The Forbidden City, saw the Olympic clock counting down until the 2008 Olympics, and the Great Wall as well as many other places. I took Joey to a little camera store off Tiananmen Square and bought her a little Sony Cybershot camera so she could also take her own pictures. She protested at first at the price of the camera and gear and wanted me to wait until we got back in Nanning but I wasn't having

none of that-I wanted my incredible lady to be able to take pictures that would forever be in her heart and her memory for her first trip to Beijing!

The next day we took a bus trip to the Great Wall at Badaling. It was a humbling experience for me and Joey. We were just overcome with the history that we were right there to touch and experience for ourselves. We met two young Chinese fellows who were brothers and we all talked and laughed and had a great time on the bus ride back to Beijing city. I was sorry to part ways with them but then again, I was meeting so many folks who were nothing short of kind, wonderful and very friendly to me that I was having one of the richest experiences of my life! Everyday brought a new experience with just seeing firsthand how the people in China lived and got through their day, and I had My Most Wonderful Lady beside me as we did everything together.

Many of our experiences were a first for both of us and it was a genuine bonding that we shared. Our last day in Beijing we visited China's only Harley Davidson shop. I'm a rider and had gotten the shop's address from the internet before my trip, so we went there. I took some pictures and bought about 800 USD worth of t-shirts for my friends back home, Joey and I and for her brothers as gifts. They loved having us as well as we loved their hospitality!

Time to go back to Nanning. We spent the rest of my time just kicking around the city. We had the laptop computer I brought with me re-formatted at a shop with the Chinese version of Windows XP so Joey could set it up and use it for us to communicate with. We went to the Nanning WalMart a lot and shopped together and I finished up my souvineer shopping for relatives and friends. Joey had a chronic toothache that she finally told me about so we spent one day in a Chinese hospital in the dental clinic while the dentists fixed Joey's tooth. She had the toothache for quite a while but never had the money to get it fixed. I noticed it one day when we were eating and she was wincing from the pain. I asked her about it and after much coaxing she told me what was wrong. Still, she would not readily tell me because it cost money and she did not want me to think that was all our relationship was good for. The next day we were in that clinic and got that tooth fixed. I almost died from laughing when they gave me the bill-900 RMB-roughly \$120. I should have had a dental exam and a cleaning myself at such cheap rates!!!

My two weeks in China passed so quickly! The day before I was to leave, on June 22nd, Joey and I sat down to have a serious talk about what we wanted to do about any future for us. To my ecstatic delight, Joey felt the same way about me as I felt about her. We were ready to give our last 20% of our hearts to one another. I proposed to Joey that day and to my incredible great fortune and delight, she accepted!!!! We were both in Heaven!!

It was incredibly difficult to leave China. I am not ashamed to admit that there were tears in my eyes when I had to pass through that security gate and leave my soulmate Joey behind. I stood on the other side of that gate and watched her as she left the airport and I couldn't see her any longer through the front window. I had just had THE BEST TIME OF MY LIFE WITH MY SOULMATE and now it was time to go home, without her. It was incredibly sad and difficult for both of us.

Shortly after returning home I made one attempt to convince my wife to settle the Property Settlement with me, with no success. I contacted my attorneys and instructed them to proceed anyway with the divorce paperwork which they did. By September 2007 it was 2 years since our separation and by Pennsylvania law the divorce could be granted without my wife's agreement. The attorneys drew up the necessary paperwork and I hired two people as Process Servers to deliver the divorce papers to her. At first she resisted their attempts but the papers were properly served. She contacted an

attorney who in consultation with me and my attorneys drew up a legal and binding Property Settlement which we both signed. On October 19th, 2007 I finally became a FREE MAN and immediately set forth with Holmes and Lolly Immigration Attorneys to begin processing the paperwork for my petition and Joey's application for a K-1 visa.

During this time, Joey had learned how to use the computer and set herself up with a Yahoo Messenger account and purchased a webcam. We were talking with one another practically every day. There were times that the Yahoo wasn't working in China or the electricity in her apartment was out, and also times where Joey visited her family or had to take a number of trips lasting a few days to obtain documents for the visa petition and we couldn't talk on the computer or webcam. I had a phone card and I called her on her cell phone, her mother's phone in Xinfu and also her brother Ming's phone at his home in Guangzhou so we could speak with one another. We never did use the telephone much because we talked live, and for free, on Yahoo. We also sent daily emails to one another. Our relationship continued to become closer as our love for one another became much deeper and more mature. To this day we are still speaking with each other on the Yahoo Messenger and webcam almost daily.

Finally in mid-December 2007 our fully-documented K-1 petition was completed and sent by Holmes and Lolly, along with my Postal Money Order processing fee of \$455, to the USCIS Vermont Service Center. It was receipted by the VSC on 28 December 2007. We were on our way!

Through this time I never had any doubts about our petition being approved, Joey's application for a visa being approved and her having a successful interview and being given a K-1 visa. We had met all the requirements, required no waivers, had fully documented our file with substantial proof of our genuine relationship, and most importantly to us we were honestly and deeply in love with one another. I received word from the VSC that they approved our petition as of April 8th 2008 and were forwarding our file to the NVC for their approval and then on to Guangzhou for their internal processing and appointment date for Joey. In an email I asked the attorney if there were any problems they could foresee with our application or Joey being approved for the visa, and their response was "There is no reason to believe she will have any problems at the time of her interview."

Sometime in February 2008 while waiting for the VSC to process our petition I became aware of a website called Candleforlove.com that exists for members whose fiancées and spouses are trying to obtain visas to immigrate to the USA and be united as families. I became a member and began reading the posts from other members regarding their experiences with the visa process AND solely the Guangzhou consulate. I remember clearly thinking to myself, "Uh-Oh, what the hell have I gotten myself into?" as I came across the ample and excessive testimonials and anguish of members who had *clearly* prepared their petitions with a ton of more evidence of their relationship than Joey and I had sent in, which was still substantial, but these people were all inexplicably being denied visas! The phrase I saw in practically every post as a reason for their denial was (under) INA 221(g), Not A Bona Fide Relationship. I saw posts from members who had been married to their spouses for several years being denied visas for this reason and I remember thinking to myself, "This is crazy! How can a couple who are and *have been* married for a while NOT have a bona fide relationship with each other?" I was astonished! And, I knew then our petition for the visa was probably in trouble even though there were no finite reasons to suspect it being so.

As time progressed and the more I read on CFL I began to see a pattern where the GUZ consulate was denying wholesale and across the board almost all petitions for 'not a bona fide relationship'. I

began to research the INA, the FAM, the CFR and other documents related to the consular processing of visas, and it became overwhelmingly clear and obvious to me that the Guangzhou consulate was in blatant violation of each and every one of these laws and directives in the way they were not only processing the petitions, but also in the way they were issuing the denials for no detailed and specific reasons, as they were required by law to provide. (See Appendices 2; 7, pps 3-7) They were simply denying practically every visa petition that came across their desk and trying to rid themselves of cases that they didn't want to give proper consideration to. I saw some approvals and a limited number of blue-slip RFE's (Requests For Evidence) but as minimal that would enable Guangzhou, if challenged on their record of approvals vs denials, to claim that they DO approve some and DO look into others. But with the blue slips I saw the increasing pattern where the petitioner and beneficiaries were submitting the requested information/evidence, usually waiting an incredibly long period of time and then the blue slip being turned into a white denial slip with absolutely no explanation for the negative decision! This was incredible!

What I found even MORE incredible is that the petitioner's congressional representatives, when contacted for help to at least getting the true reasons for the individual case denials, were unable to get any information at all out of Guangzhou, the Department Of State or the USCIS. Then to take it even farther (if that were even possible), I found out that just about all congressional representatives have *KNOWN* about Guangzhou and how they do business by trampling on US law *AND* the citizen's rights, *AND THEY ARE DOING NOTHING ABOUT IT!* I just couldn't believe that this consulate was being allowed to operate in such a rogue fashion, with apparently no interest from our Congress, to reign in and force it to operate within the boundaries of the law!

Believe me when I saw I was shocked! But I was also more worried now about our petition as I ever had been. When the day came that Joey received her Guangzhou interview date, it just happened to be on the day that her father's one-year anniversary of his passing (by Lunar Calendar) was being observed by her family, August 21st. Her hometown of Xinfu was about a 10 hour bus ride from Guangzhou. We were terrified that if we tried to re-schedule the interview, even for this good reason, that it would be secretly held against us and she would never receive an even opportunity at her interview. We didn't want to take the chance of getting a 'secret' strike against us for asking for a re-schedule, especially after having waited 8 1/2 months to get to this point.

Against the strong protests of her family NOT to go to the interview and miss her father's funeral celebration, it meant more to Joey to go to the interview over the displeasure of her family. She traveled the 10 hour ride and made it to Guangzhou in time for her interview, but she was bone-tired and worn out from the long trip *AND* the excessive heat on Guangzhou in August-August 21st to be exact.

I had wanted to go back to China to be with Joey when she went to Guangzhou for the interview but was unable to get the vacation time from my job. And, we had discussed my just saving this money to use for Joey's airline ticket if she got the visa., so she went alone.

Joey's interview lasted about 10 minutes. The VO used a Chinese interpreter from the beginning after asking Joey if she spoke English and she told him, "Yes, a little bit." Actually, Joey's English is fairly good-she understands well but is not as proficient in reading or writing, but she does speak English. Without asking her, they conducted the rest of the interview in Chinese and she answered all the questions. The VO totally misunderstood her answer when he asked what my job was in the post office, and she tried to tell them that I drove a tow car. I actually am an equipment operator and I

drive a towmotor but there is no Chinese language version for towmotor, so they assumed she meant I was a Letter Carrier. They inferred a wrong answer. They then asked her which post office I worked at, and she honestly answered them that she did not remember. I work at the Harrisburg Post Office. A few more questions that she answered correctly. They looked at some photos and my I-134, and they said, "Sorry, we can't approve your visa." She was given a white denial slip and sent to Window 30 for an explanation. There she was told that we did not have 'a bona fide relationship'. She was never asked to show the other 'ton' of our relationship evidence that she had with her that CLEARLY showed our relationship was true and of substance-they just didn't want to see evidence that would controvert their bogus position of a non-bona fide relationship.

So for 8 1/2 months of endless waiting for the required processing, incurring the displeasure of Joey's family regarding missing her father's funeral anniversary and not to mention all the various trips Joey made to secure the documents needed to process the application, we then got a 10-15 minute interview (more like an interrogation) that coldly and frivolously denied us both a visa AND my rights as a citizen to a fair and equitable determination in my petition as prescribed by law and my rights under those laws for a specific, objective reason for our refusal! (See Appendix 7, pps 3-7, 9) What a wonderful reason to be proud I'm an American AND a veteran!

And since August 21st I have made a Herculean effort to secure help from my Senator, attorney and the office of the Assistant Secretary Of State Janice Jacobs as well as through other channels including Guangzhou itself in obtaining the real reason(s) why we were denied a K-1 visa, and every single one of them has been unsuccessful and a complete failure. I get the same canned responses that are constructed by the assemblage of sentences that really don't mean anything-just an exercise in grade-school sentence structure performed by adults! Six months later and I know nothing more than I did on August 21 why we were denied. I may or may not get a letter from USCIS giving me the reason(s), and *if* it comes it will be about 1 1/2 to 2 years from now. (See Appendices 3, 4 and 5)

An amazing fact-one that is apparently lost on Guangzhou-is that in at least two USCIS Administrative Decisions published on their website (LIN 05 114 54677, 2/2/07 & LIN 05 023 53986, 1/8/07) the USCIS decided that the consular officer, in requiring the petitioner and beneficiary to establish either a close relationship or a bona fide relationship with one another *also* imposed an additional requirement upon them-one that is not required by the INA! In both these cases, these appeals were sustained. The consulate requirement to show a bona fide relationship was struck down! (See Appendix 6)

I cannot adequately and eloquently enough describe to anyone the true extent of the anguish and stress, the emotional heartache and depression for both Joey and myself that this callous refusal for such a vague and completely inane reason as 'not a bona fide relationship' has meant to my fiancée and myself. I cannot make anyone feel the complete and utter helplessness and frustration I've felt when I've sat in front of the webcam so many times and watched my precious Joey cry rivers of tears while apologizing over and over again that she's sorry for doing something wrong to be denied the visa, although she doesn't know what it was that she did wrong! She keeps asking me what it is that she has done that is so horrible that the US government will not even tell us why we were refused a visa! Joey used to tell me how proud she was going to be when she became an American citizen, but now she asks me if this is the way that all American citizens are treated by their government-to be accused of something without being told what that is? Now she just tells me that American must be just like China. I can even argue with her because-starting with the actions of the Guangzhou consulate and certainly

extending to the Department Of State and the USCIS-she's right! Actions speak louder than words!

Perhaps the worst part of all this is the unknown length of time we will have to wait until the Vermont USCIS Service Center gets around to processing our returned petition. We won't hear anything while this file gathers dust in some office storage closet for months and probably years-all the while our lives are on hold. We continue to make plans when we're finally reunited, but there is a strange sadness that now pervades our conversations about the things we'll do and places we'll go... when Joey *finally* comes to the US, because we just don't know when that could possibly and reasonably be.

And I am completely humiliated and ashamed, as an American citizen-*even more so as a veteran*- to admit that no congressional or government representative can or will help me, or tell me what to do to solve this dilemma. I'm completely 'up the river' without a boat OR a paddle...

I'm free to file another petition, but unless I address the reason(s) for the K-1 denial up front the real likelihood is that this petition will be denied by Guangzhou **AGAIN**, and the entire maddening process begins again. I'm 'guilty until proven innocent' by my own government! Guilty of something that they won't tell me. Only this time, I am also out the greatest loss-the companionship and love of my soulmate that has the misfortune to live in a country that the government of the United States of America takes a dim view of and secretly sanctions it's consulate to refuse practically all family-based visas while it protects that consulate and it's officers from ever having to be personally accountable for their actions OR their decisions, and with no transparency whatsoever in a process that is regulated by laws and regulations that exist only to be glaringly ignored and disregarded.

Yes, I'm an American!

And this is the freedom and democracy I served to protect and was led to believe by my government that I deserve and am entitled to!

Respectfully Offered,

Warren Atkins

Petitioner

GUZ2008-601-063, LI, Lijuan

2/22/09



United States Consulate General
#1 Sha Mian South Street
Guangzhou, P.R.C. 510133
e-mail: GuangzhouCongress@state.gov
TEL: (86-20) 8121-8000
FAX: (86-20) 3884-4414

September 29, 2008

REF: SENATOR SPECTER'S E-MAIL OF AUGUST 30 AND FAX OF SEPTEMBER 23, 2008

TO: THE HONORABLE ARLEN SPECTER
UNITED STATES SENATE
ATTN: RAY SMITH

Dear Senator Specter:

Thank you for your e-mail dated August 30 and fax of September 23, 2008, regarding the K-1 visa case of Ms. Li Juan Li. Your constituent, Mr. Warren Ralph Atkins, requested your assistance in this matter.

The Consulate is returning Ms. Li's petition to the U.S. Citizenship and Immigration Service (CIS) via the National Visa Center for review and possible revocation. Through Ms. Li's testimony, documents and other evidence, she has failed to demonstrate a bona fide relationship with her petitioner. Unfortunately, the decision to deny Ms. Li's visa is not reviewable and cannot be appealed. The required processing may take several months. When CIS has finished processing the case, Mr. Atkins will receive confirmation from them with further steps that he can take to appeal the decision.

We hope this information will assist you in responding to your constituent. Please do not hesitate to contact us again if you have further questions.

Sincerely,

Karin Lang
Acting Chief, Consular Section

This e-mail is unclassified based on the definitions provided in E.O. 12958.



United States Department of State
Washington, D.C. 20520

September 30, 2008

Mr. Warren Atkins
splinterman@verizon.net

Dear Mr. Atkins:

This is in response to your email to Assistant Secretary Janice L. Jacobs regarding the refusal of the visa application you filed for your fiancée, Ms. Lijuan Li. Your inquiry has been forwarded to the Visa Office, Public Inquiries Division, and I have been asked to respond to your inquiry personally. We appreciate your patience in awaiting our reply.

U.S. Embassies and Consulates issue visas in strict accordance with criteria specified in the Immigration and Nationality Act (INA), and a fiancée visa may only be issued if the petitioned relationship has been fully verified, all documentary requirements have been met, and the applicant is eligible under U.S. immigration law. Our review of Department records confirmed that after thorough and careful review, the U.S. Consulate General in Guangzhou, China determined that Ms. Li was unable to demonstrate that she was qualified for the category of visa for which she was applying. As a result, she is ineligible to receive a visa under INA regulations and her application was denied.

The authority to issue or refuse visas is vested solely in consular officers abroad by Section 104(a) of the INA. Although the Department has authority to review consular decisions, this authority is limited to the interpretation of the law, as opposed to determinations of fact. The questions at issue in this case have been determined by the Department to be factual, and thus within the authority of a consular officer to decide.

Since the visa could not be issued, the I-129F petition is in the process of being returned to the U.S. Citizenship and Immigration Services (USCIS) for review and possible revocation. Any additional evidence you wish to submit in support of your petition should be submitted to USCIS directly when they conduct their review. After the case has been returned, USCIS can be contacted at 1-800-375-5283 or an appointment can be scheduled to discuss this case with a USCIS official through its website at <http://infopass.uscis.gov/index.php>.

Please note that the information regarding this visa application is protected from disclosure under Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. 1202(f), and, in accordance with that law, may only be used for the "formulation, amendment, administration, or enforcement of the immigration, nationality, or other laws of the United States." Therefore we request that the information be protected from unauthorized disclosure.

We hope this information is helpful.

Sincerely,

Ellen M. Conway
Director
Office of Public and Diplomatic Liaison
Visa Services



United States Consulate General
#1 Sha Mian South Street
Guangzhou, P.R.C. 510133

December 30, 2008

REF: SENATOR SPECTER'S E-MAIL OF DECEMBER 17, 2008

TO: THE HONORABLE ARLEN SPECTER
UNITED STATES SENATE
ATTN: ERIN BECK

Dear Senator Specter:

Thank you for your e-mail dated December 17, 2008, regarding the K-1 visa case of Ms. Li Juan Li. Your constituent, Mr. Warren Ralph Atkins, requested your further assistance in this matter.

As we mentioned in our previous reply, through Ms. Li's testimony, documents and other evidence, she has failed to demonstrate a bona fide relationship with her petitioner. On August 21, 2008, we gave Ms. Li a notice that the Consulate is returning her petition to the U.S. Citizenship and Immigration Service (CIS) via the National Visa Center for review and possible revocation. This processing will take several months. When CIS has finished processing the case, Mr. Atkins will receive a detailed explanation of the Consulate's denial along with further steps that he can take to appeal the decision.

We hope this information will assist you in responding to your constituent. Please do not hesitate to contact us again if you have further questions.

Sincerely,

Michael J Jacobsen
Chief, Consular Section

This e-mail is unclassified based on the definitions provided in E.O. 12958.



United States Department of State
Washington, D.C. 20520

September 30, 2008

Mr. Warren Atkins
splinterman@verizon.net

Dear Mr. Atkins:

This is in response to your email to Assistant Secretary Janice L. Jacobs regarding the refusal of the visa application you filed for your fiancée, Ms. Lijuan Li. Your inquiry has been forwarded to the Visa Office, Public Inquiries Division, and I have been asked to respond to your inquiry personally. We appreciate your patience in awaiting our reply.

U.S. Embassies and Consulates issue visas in strict accordance with criteria specified in the Immigration and Nationality Act (INA), and a fiancée visa may only be issued if the petitioned relationship has been fully verified, all documentary requirements have been met, and the applicant is eligible under U.S. immigration law. Our review of Department records confirmed that after thorough and careful review, the U.S. Consulate General in Guangzhou, China determined that Ms. Li was unable to demonstrate that she was qualified for the category of visa for which she was applying. As a result, she is ineligible to receive a visa under INA regulations and her application was denied.

The authority to issue or refuse visas is vested solely in consular officers abroad by Section 104(a) of the INA. Although the Department has authority to review consular decisions, this authority is limited to the interpretation of the law, as opposed to determinations of fact. The questions at issue in this case have been determined by the Department to be factual, and thus within the authority of a consular officer to decide.

Since the visa could not be issued, the I-129F petition is in the process of being returned to the U.S. Citizenship and Immigration Services (USCIS) for review and possible revocation. Any additional evidence you wish to submit in support of your petition should be submitted to USCIS directly when they conduct their review. After the case has been returned, USCIS can be contacted at 1-800-375-5283 or an appointment can be scheduled to discuss this case with a USCIS official through its website at <http://infopass.uscis.gov/index.php>.

Please note that the information regarding this visa application is protected from disclosure under Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. 1202(f), and, in accordance with that law, may only be used for the "formulation, amendment, administration, or enforcement of the immigration, nationality, or other laws of the United States." Therefore we request that the information be protected from unauthorized disclosure.

We hope this information is helpful.

Sincerely,

Ellen M. Conway
Director
Office of Public and Diplomatic Liaison
Visa Services



United States Department of State
Washington, D.C. 20520

February 20, 2009

The Honorable Arlen Specter
United States Senate
P.O. Box 1092
Harrisburg, PA 17108

Attention: Mr. Zach Border

Dear Senator Specter:

I am writing in response to your letter of January 13, 2009 on behalf of your constituent, Mr. Warren Atkins. Mr. Atkins contacted your office regarding the status of a petition he filed on behalf of his fiancée, Lijuan Li. We appreciate your patience in awaiting a reply.

Our review of Department records found that Ms. Li was interviewed at the U.S. Consulate in Guangzhou on October 21, 2008. After the interview and a thorough review of the application documents and information provided during her interview, the consular officer determined that Ms. Li was not eligible for the visa category for which she was applying. While we are sensitive to Mr. Atkins's concerns, U.S. embassies and consulates issue visas in accordance with criteria specified in the Immigration and Nationality Act (INA). An immigrant visa may only be issued if the petitioned relationship has been fully verified, all documentary requirements have been met, and the applicant is eligible under U.S. immigration law.

The records indicate that Ms. Li's I-129F petition was returned to the United States Citizenship and Immigration Services (USCIS) for their review. After USCIS completes its assessment, Mr. Atkins will be contacted and provided an opportunity to address any issues relating to the petition and visa application. Since the Department of State no longer has jurisdiction over the case we suggest that Mr. Atkins send any questions he may have directly to USCIS. Public inquiries can be made at 1-800-375-5283. Useful information is also available on their website, www.uscis.gov.

Please note the information regarding this visa application is protected from disclosure under Section 222(f) of the Immigration and Nationality Act (INA), 8 U.S.C. 1202(f), and, in accordance with that law, may only be used for the "formulation, amendment, administration, or enforcement of the immigration, nationality, or other laws of the United States." Therefore, we request that the information be protected from unauthorized disclosure.

I hope this information may be helpful in responding to your constituent

Sincerely,

Harold G. Woodley

Harold G. Woodley
Public Inquiries Division
Visa Services

On Wed, 2/25/09, WARREN ATKINS <splinterman@verizon.net> wrote:

From: WARREN ATKINS <splinterman@verizon.net>
 Subject: FW: LI Lijuan GUZ2008-601-063
 To: "John Roth" <immigration@ttorney.com>
 Date: Wednesday, February 25, 2009, 1:55 PM

Hi John,

In keeping with your request, that I send to you the letters/notices I receive per my attempts to get any information at all about Joey's denial, I received this today from my congressional representative's aide, Zach Border at Senator Specter's office in Harrisburg.

I'll just add this to the DOS/USCIS pile of word-game exercises on paper I've been getting now since 8/21/08. Hope it is of help to you.

Keep On Keepin' On,
 Warren Atkins

--- On Wed, 2/25/09, Border, Zach (Specter) <Zach_Border@specter.senate.gov> wrote:

From: Border, Zach (Specter) <Zach_Border@specter.senate.gov>
 Subject: FW: LI Lijuan GUZ2008-601-063
 To: "splinterman@verizon.net" <splinterman@verizon.net>
 Date: Wednesday, February 25, 2009, 1:03 PM

Warren just wanted to send you another email I received I know that you have seen this but I just received it today and just wanted to keep you updated

Zach,

Good Morning! The records at the U.S. Consulate General (CG) in Guangzhou, China reveal that on August 21, 2008, Ms. Lijuan Li was refused a fiancée visa under appropriate Immigration and Nationality Act (INA) and federal regulations. Per the CG's records, Ms. Li was unable to prove that she has a bona fide relationship with your constituent. Because a visa could not be issued in her case, her petition was returned to U.S. Citizenship and Immigration Services (USCIS) for possible revocation on December 31, 2008. The Department of State no longer holds any jurisdiction over her case.

USCIS will eventually contact Mr. Atkins and afford him the opportunity to respond/appeal to this matter before revocation action is taken. However, should he wish to communicate with them beforehand, he can either call their National Customer Service Center at (800) 375-5283, or write USCIS Headquarters at 425 I St. N.W., Washington, D.C. 20536. Additional contact information may also be available to him on their website at www.uscis.gov.

Thank you for contacting VisaNet. Should you have any additional questions, please let us know.

Regards,

Vincent Wilson

On Wed, 10/15/08, GuangzhouIVReply <GuangzhouIVReply@state.gov> wrote:

From: GuangzhouIVReply <GuangzhouIVReply@state.gov>
 Subject: RE: Li Lijuan GUZ2008-601-063
 To: Splinterman@verizon.net
 Date: Wednesday, October 15, 2008, 10:11 PM

Thank you for your inquiry!

Please note that you will be informed of detailed information about your case when USCIS receives your file and contact you.

To respond to this email, use only the web form at www.usembassy-china.org.cn/guangzhou/iv/email.html. E-mails sent via "reply" will not be received.

Sincerely,

Immigrant Visa Unit
 U.S. Consulate General Guangzhou
 1 Shamian South Street
 Guangzhou, Guangdong 510133

PRC
 Fax: 86-20-38844412

-----Original Message-----

From: Splinterman@verizon.net [mailto:Splinterman@verizon.net]
 Sent: Wednesday, October 15, 2008 7:33 AM
 To: Guangzhou, IVform
 Subject: Li Lijuan
 GUZ2008-601-063

Name(pinyin):	Warren Atkins
Email_Address:	Splinterman@verizon.net
Is This Your First Email?:	yes
Beneficiary Name (pinyin):	Li Lijuan
Relationship to Beneficiary:	Petitioner
Beneficiary Date of Birth:	2-4-1968
Beneficiary Case Number:	GUZ2008-601-063
Beneficiary Visa Category(optional):	K-1
Subjects:	Other
Message_Text (optional):	

Would you please provide me with the interview officer's specific reason(s) for his refusal of the K-1 visa for my fiancée at her interview held on 8/21/08?

Sincere Thanks,
 Warren
 Atkins
 Petitioner

5-2

On Sun, 11/30/08, GuangzhouIVReply <GuangzhouIVReply@state.gov> wrote:

From: GuangzhouIVReply <GuangzhouIVReply@state.gov>
Subject: RE: Li Lijuan GUZ2008-601-063
To: Splinterman@verizon.net
Date: Sunday, November 30, 2008, 9:08 PM

Dear Mr. Atkins,

Thank you for your inquiry!

We appreciate you bringing this matter to our attention. We're sorry that result of the interview was not what you and your beneficiary had hoped for.

Please note that the Consulate has determined, based on your beneficiary's testimony, documents, and any other evidence, that she does not have a bona fide relationship with you.

The Consulate is preparing to return your beneficiary's case to the USCIS for review and possible revocation. At this point, all processing on this case in Guangzhou is suspended, the Consulate cannot and will not accept any further documents or evidence. Your beneficiary will be informed by mail when the case file has been transferred to USCIS. The USCIS office that first approved her petition will contact you about how to appeal this decision.

As to the inquiries sent by your attorney Mr. / Ms. Lolly and Senator Sepctor, we responded to them respectively on on October 20, 2008 and September 25, 2008.

To respond to this email, use only the web form at www.usembassy-china.org.cn/guangzhou/iv/email.html. E-mails sent via "reply" will not be received.

Sincerely,
Immigrant Visa Unit
U.S. Consulate General Guangzhou
1 Shamian South Street
Guangzhou, Guangdong 510133
PRC
Fax:
86-20-38844412

-----Original Message-----
From: aTKINS@www.usembassy-china.org.cn
[mailto:aTKINS@www.usembassy-china.org.cn]
Sent: Monday, December 01, 2008 9:00 AM
To: Guangzhou, IVform
Subject: Li Lijuan GUZ2008-601-063

Name(pinyin):	Warren
Email_Address:	aTKINS
Is This Your First Email?:	yes
Beneficiary Name (pinyin):	Li Lijuan
Relationship to Beneficiary:	Petitioner
Beneficiary Date of Birth:	2-4-1968
Beneficiary Case Number:	

GUZ2008-601-063

Beneficiary Visa Category(optional): K1
 Subjects: Other
 Message_Text (optional):

Dear Guangzhou,

I've written you several times in the past and you have always responded to those emails. I kindly ask that you also respond to this email with the information and action which I am requesting of you.

I am an American citizen and the Petitioner in the case cited herein. My fiancée attended her interview on 8/21/08 and was denied a visa. I have made several inquiries as to the exact nature of the reasons for this denial, and I wish to continue to ask for this information from you.

My attorney, Holmes and Lolly has prepared and sent to you a legal brief several months ago requesting that you process my petition in accordance with the applicable DOS rules, regulations, memos, cables, etc. which were specifically cited in the legal brief. The articles cited within the brief are explicit and very specific as to the standards that must be used to process the petition but I am dismayed to have found that Guangzhou has not complied with these DOS directives.

To date, you haven't responded to the legal brief or any of the attorney's emails asking you to review these papers. Can you tell me why? I have asked my senator, Arlen Specter to inquire as to what the exact reason(s) for your denial and also why you have not processed my case within the specified guidelines as presented in the legal brief. I have also recently notified another senator's office, Robert Casey, of the specific difficulties I am experiencing with the processing of this visa petition through your consulate. I am giving you full authorization to correspond with any/all details of my petition, the subsequent denial of same and the reasons why my case has not been processed in accordance with the rules/regulations to my Congressional Representatives.

The primary objective of a Congressional Representative is to give oversight of government functions to ensure the government bodies (Guangzhou Consulate) are serving the people-US citizens. Since this is NOT happening in my case it is appropriate for my Congressional Representatives to inquire of Guangzhou why this isn't being done.

On my behalf, my attorney and Congressional Representatives have only been asking for our arguments to be presented to Guangzhou and for you to consider them and account for yourself with legal authority. If you are unable or unwilling to do this then it suggests to us that you know that you are wrong! My representatives remain open to the idea that our approach to immigration processing is incorrect and if so, for Guangzhou to please show us the error of our ways, if you can.

On the human side of this process, practically every night my fiancée and I sit down in front of our computers, turn on our webcams and talk face-to-face with one another for an hour and sometimes longer. We share our dreams and make plans together for when we are finally united. In short, we do more than most married couples do daily with one another although we are separated by half a world's distance. We truly love each other and we know our hearts are connected. I support her 100% financially. It is nothing short of torture for us to continue through this process with no end in sight and to know we have been denied being united with no reason disclosed to us at all. The most preposterous thing out of all this is the fact that you wish for the reason(s) for our denial

to be kept secret. How can we expect to have a level playing field to overcome the problem(s) when we are not even told what the problem(s) may be?

Guangzhou, will you please give us the chance to resolve what small problem(s) you have determined to be significant enough to deny us the opportunity to share a life together? What I am asking for is for you to have a

heart and show some compassion, and tell me the reason(s) why you have denied my fiancée a visa, and process our case in the manner it should be handled-to give the couple every opportunity to supplement the evidence of their relationship and correct or resolve any shortcomings you believe you have found in our petition! There has been no misrepresentation, fraud or other impropriety intentionally made by either my fiancée or myself. Whatever shortcoming you believe you have found, there is no doubt in my mind that it is a minor one can easily be explained and documented to your satisfaction!

In 24 days it will be Christmas. Is there any Christmas spirit in

Guangzhou? I believe there is! It only takes one person to show that Christmas is still alive, and then that spirit will spread!!!

Your work is very important, I know that. But it is also work that involves people-the human

element. The human element also involves compassion and sympathy for others. I know there is some of this in Guangzhou because you are people also. I know you have a heart! Please do not make me think that the Grinch lives in Guangzhou!!!

You still have our file in Guangzhou. Even if by now you have returned it to the NVC and USCIS you still have a complete copy of it on file. I ask that you also please review the legal brief sent by my attorney and respond to it accordingly, and answer in full all inquiries made to you about my petition from my representatives. If you cannot find the brief please tell me and I will submit another copy to you!

Sincere Thanks,

Warren

Atkins

Petitioner: GUZ2008-601-063

Dear Mr. / Ms. Atkins,

Thank you for your inquiry!

Please note that anyone seeking to appeal is given an opportunity to review and respond to the consular officer's findings, and the only channel for appealing is through USCIS. At this point, processing of your case is suspended at the Consulate, We recommend that further inquiries be directed to the USCIS office, as they will be able to best assist you going forward.

To respond to this email, use only the web form at www.usembassy-china.org.cn/guangzhou/iv/email.html. E-mails sent via "reply" will not be received.

Sincerely,
Immigrant Visa Unit
U.S. Consulate General Guangzhou
1 Shamian South Street
Guangzhou, Guangdong 510133
PRC
Fax: 86-20-38844412

-----Original Message-----

From: Splinterman@verizon.net [mailto:Splinterman@verizon.net]
Sent: Monday, December 01, 2008 8:02 PM
To: Guangzhou, IVform
Subject: Li Lijuan GUZ2008-601-063

Name(pinyin):	Warren Atkins
Email_Address:	Splinterman@verizon.net
Is This Your First Email?:	yes
Beneficiary Name (pinyin):	Li Lijuan
Relationship to Beneficiary:	Petitioner
Beneficiary Date of Birth:	2-4-1968
Beneficiary Case Number:	GUZ2008-601-063
Beneficiary Visa Category(optional):	K1
Subjects:	Other
Message_Text (optional):	

Dear Guangzhou,

Thank you for your recent response! I would like to individually address the issues raised by you and I kindly ask you to please reply to the specific points I raise to you. Nobody is more sorry than me that the interview did not go the way that my fiancée and myself would have liked.

In paragraph 2 of your response you stated that 'the Consulate has determined, based on your beneficiary's testimony, documents, and any other evidence, that she does not have a bona fide relationship with you.' I wish to ask you, exactly HOW did you arrive at this conclusion? Exactly WHAT response that she gave, or did NOT give or give correctly, or documents or other evidence that she showed you allowed you to arrive at this conclusion? My fiancée had a substantial number of documents including telephone call logs, receipts for gifts, Western Union receipts, copies of emails, cards and letters, as well as other evidence THAT THE INTERVIEW OFFICER DID NOT LOOK AT OR ASK TO SEE! Exactly HOW do you determine that a bona fide relationship does not exist, especially in a 10 minute interview where the officer does not look at all the documents the beneficiary brings with her? I am really confused by this and I cannot fathom how you can possibly reach this conclusion without looking at the whole picture, which you did not do.

The DOS has issued a Memorandum titled, "Guidance On Petition Revocations" (R 130616Z Jul 01). This Memorandum states in part under Paragraph 6, "Posts should be generous in allowing applicants every opportunity to supplement their applications following 221(g) refusal." In the next Paragraph 7 it states, "221(g) allows petitioners and beneficiaries to supplement the initial application and in many cases overcome the refusal."

What this means to ANYONE is that the Secretary of State, by issuing this Memorandum, intended consulate staff to give every opportunity for the petitioner and beneficiary to overcome a visa refusal by allowing them to provide additional evidence, documents, etc. to overcome any perceived shortcomings.

Now can you tell me, when the consulate issued my fiancée a visa refusal and the consulate not only refused to provide the reason for the refusal, but also is refusing to accept any additional evidences or documents-exactly HOW is the Guangzhou Consulate acting in compliance with these instructions contained in the DOS Memorandum?

Paragraph 6 also states, " In the absence of hard, factual evidence of fraud, misrepresentation, or ineligibility of status, consular sections are advised to issue the visa, assuming the alien is otherwise qualified, or if further investigation is warranted and holds potential for resolving post's concerns, USE 221(G) REFUSAL TO GAIN ADDITIONAL INFORMATION."

The fact that the USCIS and NVC approved both my and my fiancée's application/petition provides a prima facie case that we have both met the eligibility requirements and are qualified for the K1 visa for which we have applied for. From what I have read in the DOS directives, you must have factual evidence of fraud and/or misrepresentation and specifically state the evidence you have relied on in your Memorandum which is supposed to accompany the returned file. If you have complied with this instruction, I request that you provide me with a copy of that memorandum.

Also in regards to your paragraph 2, you state that the consulate is preparing to return my beneficiary's case to the USCIS for review and possible revocation. It has been over 3 months since this visa was refused. In an earlier communication to you I cited DOS directives which require you to return refused petitions in a timely manner to avoid lengthy delays in processing. Three months plus, and still the file is in Guangzhou?

Guangzhou, what I believe I see here is that there are numerous DOS directives, memorandums, policy guidelines, etc, that have not been considered in my case. These concerns are addressed in the legal brief which my attorney sent to you and which you HAVE NOT responded to.

I am only asking you to please explain to me what your specific reason(s) was/are for refusing to grant the K1 visa to my fiancée. I am also respectfully asking you also to respond why the policy guidelines I have quotes and are contained in the legal brief sent to you, have not been observed and applied to my case.

Lastly, the responses you provided to the inquiries sent by Senator Specter and my attorney, Holmes and Lolly, were only general and not specific. They gave the same 'standard' information and the same 'standard' replies that you have already provided. Respectfully, I offer to you that my/our questions have been for specific information. Would you please tender your replies with the specific information that I have been asking for since the visa refusal?

Sincere Thanks,
Warren Atkins

On Wed, 12/3/08, GuangzhouIVReply <GuangzhouIVReply@state.gov> wrote:

From: GuangzhouIVReply <GuangzhouIVReply@state.gov>
 Subject: RE: Li Lijuan GUZ2008-601-063
 To: Splinterman@verizon.net
 Date: Wednesday, December 3, 2008, 10:01 PM

Dear Mr. Atkins ,

Thank you for your inquiry!

Thank you for bringing this matter to our attention. We are sorry that you are dissatisfied with the process. We try to provide every applicant a fair process to demonstrate that s/he meets the qualifications to immigrate to the U.S. The proper channel to appeal the decision made at the interview is through USCIS.

To respond to this email, use only the web form at www.usembassy-china.org.cn/guangzhou/iv/email.html. E-mails sent via "reply" will not be received.

Sincerely,
 Immigrant Visa Unit
 U.S. Consulate General Guangzhou
 1 Shamian South Street
 Guangzhou, Guangdong 510133
 PRC
 Fax: 86-20-38844412

-----Original Message-----

From: Splinterman@verizon.net [mailto:Splinterman@verizon.net]
 Sent: Thursday, December 04, 2008 8:58 AM
 To: Guangzhou, IVform
 Subject: Li Lijuan GUZ2008-601-063

Name(pinyin):	Warren Atkins
Email_Address:	
Splinterman@verizon.net	
Is This Your First Email?:	yes
Beneficiary Name (pinyin):	Li Lijuan
Relationship to Beneficiary:	Petitioner
Beneficiary Date of Birth:	
2-4-1968	
Beneficiary Case Number:	GUZ2008-601-063
Beneficiary Visa Category(optional):	K1
Subjects:	Other
Message_Text (optional):	

Dear Guangzhou,

Thank you for your recent response! I understand the process for a visa refusal appeal is through USCIS and not through the consulate. Once you have returned the file to USCIS and I have received their notification of appeal procedures, I will submit an appeal.

However, I have found that not all petitioners who have received a visa denial have received any notification at all from the USCIS, and thus have had

no opportunity to appeal the denial nor a review of the consular officer's findings. I understand that this is out of your control, but it is still an issue that is far from being a standard process.

Also, since my file has not yet been received by the USCIS I am not able to follow your recommendation to direct further inquiries to the Vermont Service Center. They will refer me back to you.

But my recent email to you is not about an appeal. It is about the consular processing guidelines of visa petitions issued by the DOS and on particular, how they are apparently not being followed by Guangzhou. I'm confused as to how there can exist procedures, directives, memorandums, etc. specifically intended for the processing of visa petitions and these are not being followed. Can you please explain why these guidelines were not followed in my case and how there can exist written standards but they do not have to be complied with?

In paragraph 2 of your last response you stated that 'the Consulate has determined, based on your beneficiary's testimony, documents, and any other evidence, that she does not have a bona fide relationship with you.' I

wish to ask you, exactly HOW did you arrive at this conclusion? Exactly WHAT response that she gave, or did NOT give or give correctly, or documents or other evidence that she showed you allowed you to arrive at this conclusion? My fiancée had a substantial number of documents including telephone call logs, receipts for gifts, Western Union receipts, copies of emails, cards and letters, as well as other evidence THAT THE INTERVIEW OFFICER DID NOT LOOK AT OR ASK TO SEE! Exactly HOW do you determine that a bona fide relationship does not exist, especially in a 10 minute interview where the officer does not look at all the documents the

beneficiary brings with her? I am really confused by this and I cannot fathom how you can possibly reach this conclusion without looking at the whole picture, which you did not do.

The DOS has issued a Memorandum titled, "Guidance On Petition Revocations" (R 130616Z Jul 01). This Memorandum states in part under Paragraph 6, "Posts should be generous in allowing applicants every opportunity to supplement their applications following 221(g) refusal." In the next Paragraph 7 it states, "221(g) allows petitioners and beneficiaries to supplement the initial application and in many cases overcome the refusal."

What this means to ANYONE is that the Secretary of State, by issuing this Memorandum, intended consulate staff to give every opportunity for the petitioner and beneficiary to overcome a visa refusal by allowing them to provide additional evidence, documents, etc. to overcome any perceived shortcomings in their initial application.

Now can you tell me, when the consulate issued my fiancée a visa refusal and the consulate not only refused to provide the reason for the refusal, but also is refusing to accept any additional evidence or documents—exactly HOW is the Guangzhou Consulate acting in compliance with these instructions contained in the DOS Memorandum?

Paragraph 6 also states, "In the absence of hard, factual evidence of fraud, misrepresentation, or ineligibility of status, consular sections are advised to issue the visa, assuming the alien is otherwise qualified, or if further investigation is warranted and holds potential for resolving post's concerns, USE 221(G) REFUSAL TO GAIN ADDITIONAL INFORMATION."

The fact that the USCIS and NVC approved both my and my fiancée's application/petition provides a prima facie case that we have both met the eligibility

requirements and are qualified for the K1 visa for which we have applied for. From what I have read in the DOS directives, you must have factual evidence of fraud and/or misrepresentation and specifically state the evidence you have relied on in your Memorandum which is supposed to accompany the returned file. If you have complied with this instruction, I request that you provide me with a copy of that memorandum.

Instead of issuing a white outright denial slip, why weren't we given a blue 'Request For More Evidence' slip instead? That would have been in compliance with Paragraph 6 of the Memorandum cited above, and would have given my fiancée the opportunity to prove to you that we do have a real relationship.

Also in regards to your paragraph 2, you state that the consulate is preparing to return my beneficiary's case to the USCIS for review and possible revocation. It has been over 3 months since this visa was refused. In

an earlier communication to you I presented to you DOS directives which require you to return refused petitions in a timely manner to avoid lengthy delays in processing. Three months plus, and still the file is in Guangzhou? Is this

a common occurrence that denied petitions are held in Administrative Processing (delayed) for several months?

Guangzhou, what I believe I see here is that there are numerous DOS directives, memorandums, policy guidelines, etc, that have not been considered in my case. These concerns are addressed in the legal brief which my attorney sent to you and which you HAVE NOT responded to.

I am asking you to please explain what your specific reason(s) was/were for refusing to grant the K1 visa to my fiancée. I am also respectfully asking you also to respond why the policy guidelines I have quoted and are contained in the legal brief sent to you, have not been observed and applied to my case.

Lastly, the responses you provided to the inquiries sent by Senator Specter and my attorney, Holmes and Lolly, were only general and not specific. They gave the same 'standard' information and the same 'standard'

replies that you have already provided. Additionally, after receiving your email yesterday I contacted Senator Specter's office and according to them, their office has contacted you more recently and still has not received any response to this latest communication. Respectfully, I offer to you that my/our questions have been for specific information. Would you please tender your replies with the specific information that I have been asking for since the visa refusal?

I certainly do appreciate that you take the time to respond to my emails. What I kindly ask is to receive from you an earnest and relevant response that answers the questions I have posed to you regarding my petition. If there is a reason unknown to me why these questions cannot be answered perhaps you can simply explain it to me. I know that you have a very important function in protecting the US and I really do appreciate what you do. I just do not understand HOW you do that by NOT telling someone the reasons why they were denied a visa or by not following the procedures developed by your parent authority.

Sincere Thanks,
Warren Atkins

5-10

12-7-08 7:56PM

From:
"GuangzhouIVReply" <GuangzhouIVReply@state.gov>
Add sender to Contacts
To:
Splinterman@verizon.net

Dear Mr. Atkins,

Thank you for your understanding!

As you know, the returning processing may take up to several months, due to the large volume of cases we have to handle here. Please be assured that we are trying our best to process them as soon as possible. Once we send out your fiancée's case, we will notify her by mail.

To respond to this email, use only the web form at www.usembassy-china.org.cn/guangzhou/iv/email.html. E-mails sent via "reply" will not be received.

Sincerely,
Immigrant Visa Unit
U.S. Consulate General Guangzhou
1 Shamian South Street
Guangzhou, Guangdong 510133
PRC
Fax: 86-20-38844412

-----Original Message-----

From: Splinterman@verizon.net [mailto:Splinterman@verizon.net]
Sent: Friday, December 05, 2008 9:26 AM
To: Guangzhou, IVform
Subject: LI Lijuan GUZ2008-601-063

Name(pinyin):	Warren Atkins
Email_Address:	Splinterman@verizon.net
Is This Your First Email?:	yes
Beneficiary Name (pinyin):	LI Lijuan
Relationship to Beneficiary:	Petitioner
Beneficiary Date of Birth:	2-4-1968
Beneficiary Case Number:	GUZ2008-601-063
Beneficiary Visa Category(optional):	K1
Subjects:	Other
Message_Text (optional):	

Dear Guangzhou,

Thank you very much for your response to my last email! I do appreciate that you take the time to respond.

Regarding your last email, I'd like to say to you that it is NOT that I am dissatisfied with the process you used to interview my fiancée. With respect to you, I understand more than you may realize the difficult and the important job which you folks perform every day. As an American, I am grateful for your service in trying to protect not only my interests but also those of the USA. So please do not think that I do not appreciate your efforts, because you would be wrong!

What I do feel is a bit of disappointment at how the process has evolved and become the day-to-day method of processing petitions, and how it was applied to my case. The written instructions regarding the processing of petitions that I mentioned to you in past emails are pretty clear on how the DOS wants you to adjudicate individual cases. But as with everything else, sometimes these written instructions takes on their interpretations when it comes to their actual application.

I know that you do not know my fiancée nearly as well as I do so, it is equally as difficult for you to make a value judgement as to what her intentions actually are. It is enough for me alone to know that Lijuan is an honest, caring and

Case History # 4, Page 31 of 54

loving woman who has excellent values and is sincere in her intentions with our relationship. I got extremely lucky when I found her! Again being fair to you, I think that may be difficult if not impossible for you to ascertain that in a 10 minute interview.

I believe that the chances that I will find out the true reasons for our denial are almost nonexistent. I also believe that I will NOT get an opportunity to appeal this denial through the USCIS, so my best option is to file another petition at some point in the future and try to address up-front the reasons why I think Guangzhou has denied our first petition. My fiancée and I truly love one another and we are both counting on some day in the future being able to share our lives with one another, and we will both continue to work towards that dream.

Again, thanks for your kindness in responding to my past emails and for showing your patience in understanding that I never intended to be arrogant or belligerent towards you in my communications!

What I WOULD like to ask of you, is if you could possibly try and expedite the return of our file to the NVC and the USCIS, so that in the event that I would get a chance to respond to the denial, it will be sooner rather than many, many months from now? I have no hardship under which to request this of you, just as a simple courtesy if you are able to provide to my fiancée and myself.

Once again, thank you for your efforts in keeping the USA safe and on a personal note...MERRY CHRISTMAS and have a safe and HAPPY NEW YEAR!!

Sincerely,
Warren Atkins
Petitioner: LI, Lijuan
GUZ2008-601-063

6-1

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

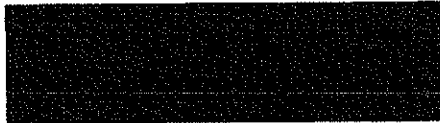
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

B6

PUBLIC COPY



FILE: [REDACTED]
LIN 05 023 53986

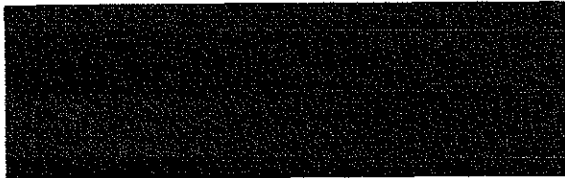
Office: NEBRASKA SERVICE CENTER

Date: JAN 08 2007

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

Robert P. Wiemann, Chief
Administrative Appeals Office

www.uscis.gov

Page 2

DISCUSSION: The Director, Nebraska Service Center approved the nonimmigrant visa petition but subsequently revoked that approval. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained. The director's revocation of the approved petition will be withdrawn.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Albania, as the fiancée 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 nonimmigrant petition after determining that the petitioner had failed to submit sufficient evidence to establish that she and the beneficiary had a "bonafide relationship." The director cited concerns raised by the beneficiary's interview with a consular officer at the U.S. Embassy in Tirana, Albania, subsequent to Citizenship and Immigration Services' (CIS) approval of the petition benefiting him. *Decision of the Director, dated April 3, 2006.*

The issue before the AAO is whether the petitioner has overcome the grounds for revocation.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who:

- (i) is the fiancé(e) of a U.S. citizen and who seeks to enter the United States solely to conclude a valid marriage with that citizen within 90 days after admission;
- (ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or
- (iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), 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 two 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 petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with Citizenship and Immigration Services on November 1, 2004. It was approved by the director on February 11, 2005, but returned to CIS following the beneficiary's interview at the U.S. Embassy in Tirana on August 26, 2005. The Department of State consular officer who conducted the interview determined that the beneficiary was not eligible to receive a visa because his relationship to the petitioner was not "bonafide" and he, therefore, did not have "the required family relationship or civil status to qualify for the immigration category sought."

The director issued a notice of intent to deny, requiring the petitioner to submit evidence within 60 days to establish her relationship with the beneficiary. *Decision of the Director, dated November 15, 2005.* The

petitioner responded to the director's request on January 4, 2006. The materials provided by the petitioner to establish the genuineness of her relationship with the beneficiary included: a letter written by the petitioner stating her intent to marry the beneficiary, and copies of Western Union receipts in which the petitioner had sent money to the beneficiary.

On April 3, 2006, the director revoked approval of the Form I-129, stating that, the petitioner had failed to respond to the Service's request for evidence. On appeal, counsel asserts that the petitioner had timely submitted additional evidence and provides the USCIS Case Status printout in support of this assertion. *Form I-290B*. As the USCIS Case Status printout shows, the applicant submitted additional evidence on January 4, 2006. As such, the AAO will consider the evidence to be timely. Counsel re-submitted the letter written by the petitioner stating her intent to marry the beneficiary, and copies of Western Union receipts in which the petitioner had sent money to the beneficiary.

Section 214(d) of the Act states that CIS *shall* approve the Form I-129F when a petitioner submits evidence to establish that he/she and the beneficiary have met within the two-year period immediately the filing of the Form I-129F, have a bonafide intention to marry and are legally able and willing to marry within 90 days of the beneficiary's arrival in the United States. In revoking the instant petition, the director appears to have imposed an additional requirement on the petitioner – establishing the genuineness of her relationship to the beneficiary. However, no such requirement exists for the approval of a Form I-129F and the AAO finds the director to have erred in imposing it. While section 214(d) of the Act stipulates that the petitioner must establish that she and the beneficiary have a bonafide intention to marry, this language is not synonymous with a requirement that the petitioner establish the closeness of their relationship. The AAO has found nothing in the record to indicate the petitioner and beneficiary do not intend to marry within 90 days of the beneficiary's arrival in the United States.

The AAO notes the concerns expressed by the consular officer and, subsequently, the director regarding the beneficiary's lack of a close relationship to the petitioner. However, as just noted, section 214(d) of the Act does not require the beneficiary to be knowledgeable regarding the petitioner or her history, nor that CIS evaluate the closeness of the fiancé(e) relationship before approving the petitioner's Form I-129F. Instead, it allows for the approval of the Form I-129F when the petitioner and beneficiary have met no more than once during the two-year period preceding the date of filing and may never have met previously. Accordingly, the reservations expressed by the consular officer and the director are not probative for the purposes of these proceedings.

The director's revocation of the instant petition is based solely on the petitioner's failure to submit sufficient evidence to establish the genuineness of his relationship to the beneficiary. As the director erred in imposing such a requirement on the petitioner, the AAO finds the petitioner to have overcome the basis for the director's revocation of the instant petition. Accordingly, the AAO will sustain the petitioner's appeal and withdraw the director's revocation of the petition.

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 sustained that burden.

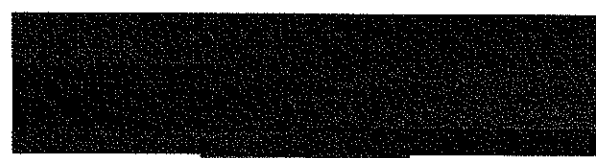
ORDER: The appeal is sustained. The revocation is withdrawn. The petition is approved.

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



06

FEB 02 2007

FILE: [Redacted] Office: NEBRASKA SERVICE CENTER
LIN 05 114 54677

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center initially approved the nonimmigrant visa petition. He subsequently reopened the proceeding, vacating his prior decision and denying the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained. The petition will be approved.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of the Philippines, as the fiancée of a United States citizen pursuant to § 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K). The director denied the nonimmigrant petition after determining that the petitioner had failed to submit sufficient evidence to establish a fiancé(e) relationship with the beneficiary. The director cited concerns raised by the beneficiary's interview with a consular officer at the U.S. consulate in Manila, Philippines, subsequent to Citizenship and Immigration Services' (CIS) approval of the petition benefiting her.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who:

- (i) is the fiancé(e) of a U.S. citizen and who seeks to enter the United States solely to conclude a valid marriage with that citizen within 90 days after admission;
- (ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or
- (iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), 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 two 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 petitioner filed the *Petition for Alien Fiancé(e) (Form I-129F)* with Citizenship and Immigration Services on March 7, 2005. The director approved the petition on April 18, 2005, but the U.S. Department of State returned the petition to CIS following the beneficiary's interview at the U.S. consulate in Manila on September 6, 2005.

The Department of State officer who conducted the interview determined that the beneficiary was not eligible to receive a fiancée visa because the relationship with the petitioner was not *bona fide*. This conclusion was based on the beneficiary's apparent lack of knowledge regarding facts about the petitioner's past, as well as insufficient evidence supporting the closeness of their relationship.

The director issued a notice of intent to deny, requiring the petitioner to submit evidence within 30 days to explain the weak responses provided to the State Department officer and to clarify the nature of his relationship to the beneficiary. The petitioner did not respond to the director's request; hence, the petition was denied.

On appeal, the petitioner provides evidence of two visits he made to the beneficiary in 2004 and 2006, evidence showing continuing communication between himself and the beneficiary through text-messaging, and a photo that the petitioner states was taken of himself and the beneficiary during their last visit together in 2006. The petitioner also submits evidence of the termination of his prior marriages.

* Section 214(d) of the Act states that CIS *shall* approve the Form I-129F when a petitioner submits evidence to establish that he/she and the beneficiary have met within the two-year period preceding the filing of the Form I-129F, have a bonafide intention to marry and are legally able and willing to marry within 90 days of the beneficiary's arrival in the United States. The Department of State's interview of the beneficiary raised questions regarding the level of intimacy between the petitioner and the beneficiary at the time of the latter's consular interview. However, the approval of a Form I-129F does not depend on the level of closeness between the two parties, and the AAO finds the director to have erred in imposing it. While § 214(d) of the Act requires the petitioner to establish that he and the beneficiary have a bonafide intention to marry, this language is not synonymous with a requirement that the petitioner establish the closeness of their relationship. The AAO has found nothing in the record to indicate the petitioner and beneficiary do not intend to marry within 90 days of the beneficiary's arrival in the United States.

* In reaching its decision, the AAO notes the concerns expressed by the consular officer and, subsequently, the director regarding the beneficiary's lack of knowledge concerning the petitioner. However, as just noted, § 214(d) of the Act does not require the beneficiary to be knowledgeable regarding the petitioner or his history, or that CIS evaluate the closeness of the fiancé(e) relationship before approving the petitioner's Form I-129F. Instead, it allows for the approval of the Form I-129F when the petitioner and beneficiary have met no more than once during the two-year period preceding the date of filing, and may never have met previously. Accordingly, the reservations expressed by the consular officer and the director are not probative for the purposes of these proceedings.

* The director's denial of the instant petition appears to be based solely on the petitioner's failure to submit sufficient evidence to establish the bona fides of his relationship to the beneficiary. As the director erred in imposing such a requirement on the petitioner, the AAO finds the petitioner to have overcome the basis for the director's denial of the instant petition. Accordingly, the AAO will sustain the petitioner's appeal and approve the petition.

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 sustained that burden.

ORDER: The appeal is sustained. The petition is approved.

Fiancee Visa Petition of
Warren Atkins, On Behalf Of
Lijuan Li

Being duly sworn, I declare:

I am the Petitioner named above. I am a citizen of the United States, having been born in Philadelphia, Pennsylvania on June 8th, 1957. I live at 110 8th Street, New Cumberland, PA 17070.

It is my intention to marry Lijuan Li within ninety (90) days of her arrival in the United States.

I met my fiancée, Lijuan Li, on a website called CHNLove CHNLove.com, physical address is: CHNLove Customer Service, Unit 710, Delta House, NO. 3 On Yiu Street, Shatin, Hong Kong) in February, 2007. For both of us there was an instant connection and attraction as we found that we had many things and experiences in common. One of the things we had in common is that we both had been in an abusive relationship and we talked a lot about our feelings and concerns. We corresponded on a daily basis for several months to learn more about each other and we knew that we were both the same personality-type of people and looking for the same things in life. Through our letters we found that our appreciation and feelings for each other were growing much stronger and after Lijuan's invitation to come to China to meet her I decided that this was the step that I wanted to take. We were both at the same junction in our relationship- we both believed that we were right for each other but we wanted to actually meet and see how we interacted with each other.

I made travel arrangements to travel from the US on June 6th 2007, and arrive in Lijuan's city of Nanning on June 8th, 2007. I was met at the airport by Lijuan and her interpreter. Lijuan spoke a little bit of English and we had decided to use the services of an interpreter for a few days until we were able to communicate on our own.

I will never forget the first time I saw Lijuan standing there in the airport. She was incredibly beautiful, even more than in her pictures. Her smile was so genuine and showed such pure happiness. I had been traveling for 22 hours and by that time was very tired, but the most amazing thing was that as soon as I saw her I felt like I had just awakened from a long restful sleep! From that moment on until I left China on June 23rd 2007, it was the best time of my life! Lijuan and I were even more perfectly compatible than either of us thought we could be! We traveled to the coastal town of BeiHai the next day and spent the entire day sharing each other's company and talking about the many things we wanted to have in our lives.

Lijuan's cousin was a travel agent and he helped us get tickets to visit Beijing so we could visit the Great Wall, the Forbidden City, Tiananmen Square and

other places. Lijuan had never been on an airplane before and she had also never been to Beijing, so it was such a wonderful feeling to experience these things for her first time together.

The two weeks I spent with Lijuan were the best time of my life! We did everything together and became so close to one another that we also became best friends. Lijuan introduced me to some of her family and even though they spoke no English we easily communicated. Everything we did together, even the simple things like food shopping, became such an intensely gratifying and enjoyable experience that it was the best time I had in so many years. Both of us found that our love for each other had become the type of love that each of us had been searching for. We were both each other's true soul mates.

The saddest day of both of our lives was when it was time for me to leave China and return home. The two weeks I spent with Lijuan were the most indescribably happy time of my life. I had taken a laptop computer to China to give to Lijuan so that we could send emails to each other. We also have webcams so now we can see each other and talk with each other every day using our computers, so we do not have to pay expensive phone bills. On June 22nd, 2007 we both agreed that we want to marry and live together in the USA. Even now we refer to each other as husband and wife!

As proof that my fiancée and I have met in person I am enclosing several photos of the two of us together.

Warren Atkins
Warren Atkins

Subscribed and Sworn before me on October 18, 2007

Betty K. Hooven Notary Public

My commission expires on May 27, 2009

