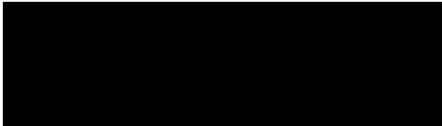




De

U.S. Department of Justice
Immigration and Naturalization Service

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



Public Copy

File:

Office: CALIFORNIA SERVICE CENTER

Date: *09 10 2011*

IN RE: Petitioner:
Beneficiary:



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

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

Identifying data removed to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

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

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

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

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

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Myra L. Rosenberg
Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The Director of the California Service Center denied the nonimmigrant visa petition and the matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner, a citizen of the United States, filed a Petition for Alien Fiancé(e) (Form I-129F) with the Service on December 13, 1999. The petitioner sought to classify the beneficiary, a native and citizen of the Philippines, as the fiancé(e) of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K).

The director denied the petition after determining that the petitioner and the beneficiary and not previously met in person within two years before the date of filing the petition. The director's decision to deny the petition was dated April 28, 2000; the Service received the petitioner's appeal on May 3, 2000.

Subsequent to the filing of the appeal, however, the petitioner filed a new I-129F petition in the beneficiary's behalf. The Service approved the new petition on October 30, 2000. According to the record, the beneficiary entered the United States as a K-1 nonimmigrant fiancée on April 20, 2001.

As the beneficiary has already entered the United States as a K-1 nonimmigrant fiancée, it is not necessary to address the merits of the petitioner's claim on appeal that the beneficiary is entitled to classification as the fiancée of a United States citizen. Accordingly, the appeal shall be dismissed without prejudice.

ORDER: The appeal is dismissed.