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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

[Redacted] Public Copy

File: [Redacted]

Office: VERMONT SERVICE CENTER

Date: 01 OCT 2001

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

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

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

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

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

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

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

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

for Robert P. Wiemann, Acting Director  
Administrative Appeals Office

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

The director denied the petition because the petitioner failed to submit additional evidence that had been requested. On appeal, the petitioner submits a statement and additional evidence.

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

An alien who is the **fiancee or fiance of a citizen of the United States** and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry....[emphasis added]

On February 17, 2000, the director sent the petitioner a request for additional information/evidence concerning whether the petitioner and the beneficiary had met in person within two years before the filing date of the petition. The petitioner failed to submit the requested evidence; therefore, the director denied the petition.

On appeal, the petitioner states that because she did not have the evidence that the director requested, she traveled to Pakistan in May of 2000 and married the beneficiary. The petitioner submits photographs of the couple's wedding, a copy of their marriage certificate, and boarding pass receipts for the petitioner's flight to Pakistan on Pakistan International Airlines.

The Service cannot approve this nonimmigrant petition. The record reflects that the petitioner and the beneficiary have already concluded a valid marriage in Pakistan; therefore, the beneficiary is no longer a fiancé of a United States citizen. The petitioner may, however, file a Petition for Alien Relative (Form I-130) in the beneficiary's behalf, as the beneficiary is now the spouse of a United States citizen.

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

**ORDER:** The appeal is dismissed.