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FILE: [REDACTED]
EAC 04 142 53081

Office: VERMONT SERVICE CENTER

Date: JUN 10 2005

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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 nonimmigrant visa petition was denied by the Acting Director, Vermont Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed and the application declared moot. At the director's request, the record is remanded to the director to administratively close the petition.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Nigeria, 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 acting director denied the petition after determining that the petitioner had not offered documentation evidencing that he and the beneficiary had personally met within two years before the date of filing the petition, as required by section 214(d) of the Act, and that the petitioner had not established that compliance with the meeting requirement would result in extreme hardship to the petitioner. *Decision of the Acting Director*, dated July 15, 2004.

The record contains a copy of a Form I-129F petition filed by the petitioner on the beneficiary's behalf on January 25, 2005 and approved by the Director, Vermont Service Center, on April 12, 2005 (EAC-05-078-52639). A memo in the file requests that the record be remanded to the director in order to administratively close the previous petition. As such, the previous petition is declared moot and the appeal dismissed.

ORDER: The appeal is dismissed and the record remanded to the director to administratively close the initial petition.