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

U.S. Citizenship and Immigration Services

b6

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: DEC 20 2007
WAC 07 052 53230

IN RE: Petitioner: [redacted]
Beneficiary:

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 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

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Ecuador, 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).

On March 8, 2007 Citizenship and Immigration Services (CIS) requested that the petitioner submit the following documentary items:

1) Divorce/Death Decrees that terminated any/all prior marriages.
2) Photograph of the petitioner.
3) Form G-325As, Biographic Information sheets, for the petitioner and beneficiary.
4) Birth certificate for the beneficiary.
5) Certified court dispositions for all convictions.

On April 16, 2007 the petitioner submitted a response to the request for evidence including his photograph, the Form G-325A on behalf of the beneficiary, a birth certificate for the beneficiary, and a court document. The Director found that the petitioner did not submit the requested divorce/death decrees from his two previous marriages or a Form G-325A on behalf of himself. As the petitioner did not submit all of the requested documentary items, the Director found he had not submitted sufficient evidence to establish the fiancé(e) relationship and denied the petition. *Decision of the Director*, dated July 24, 2007.

Section 8 C.F.R. § 103.2(a) states:

> (1) General. Every application, petition or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, each instruction being hereby incorporated into the particular section of the regulations requiring its submission...

On appeal, the petitioner submits divorce decrees from two previous marriages and a Form G-325A for himself, on which he indicates he has been married three times.

On both the Form I-129F and the Form G-325A, the petitioner has indicated that he was most recently married to [redacted] and that this marriage ended in 2003. On appeal, the petitioner submits final divorce decrees for marriages to [redacted] which ended in 1989 and 1995 respectively. The record contains no final divorce decree for his most recent marriage to Ms. [redacted]. Therefore, the petitioner has failed to comply with the requirements of Section 5 of the instructions for the Form I-129F:

D. If either you or your fiancé(e) were married before, give copies of documents showing that each prior marriage was legally terminated.

As the petitioner has failed to comply with the requirements for filing the Form I-129F, the appeal will be dismissed.

The AAO also observes that the Director erred in finding that the court document the petitioner submitted was a court disposition. On the Form I-129F, the petitioner checked the box that he had been convicted of domestic violence and then further stated that he was arrested for domestic violence. The record includes only an Order to Dismiss Temporary/Vacate Permanent Injunction without Prejudice for the applicant. *See court order, Domestic Violence Division, Circuit Court of the Eleventh Judicial Circuit, Miami-Dade County Florida*, dated February 21, 2006. The record does not therefore include a certified court disposition for the petitioner's conviction.

ORDER: The appeal is dismissed.