

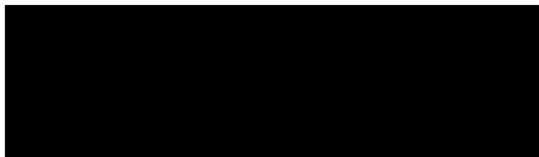
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Avenue NW, Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



106
JUL 27 2007

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:
WAC 06 207 50904

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 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 citizen of the United States who seeks to classify the beneficiary, a native and citizen of Laos, 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 petition after determining that the petitioner had not submitted evidence to establish a qualifying fiancé relationship within the meaning of § 101(a)(15)(K) of the Act. The director specifically noted that the petitioner had not submitted a completed Form G-325A (biographical data form) on behalf of the beneficiary, as the director had requested.

On appeal, the petitioner submits a Notice of Appeal Form I-290B on which he indicates his wish to appeal the denial of the petition. He writes that he will submit further evidence upon request. On appeal, however, the petitioner fails to submit a Form G-325A for the beneficiary, as requested.

Section 101(a)(15)(K) of the Act, 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who 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. Furthermore, § 214(d) of the Act, 8 U.S.C. 1184(d), states, in pertinent part:

. . . . [U]nder the provisions of section 101(a)(15)(K) [t]he petition shall be in such form and contain such information as the [Secretary] shall, by regulation, prescribe. It 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 . .

Volume 8 of the Code of Federal Regulations (8 C.F.R.) § 103.2(b)(11) states in pertinent part:

Submission of evidence in response to a Service request. All evidence submitted in response to a Service request must be submitted at one time. The submission of only some of the requested evidence will be considered a request for a decision based on the record.

The director based his decision on the evidence of record, which did not include the required biographical data form for the petitioner's fiancée; hence, the petition was denied. As the petitioner has not submitted the requested evidence on appeal, the AAO concurs with the director's denial, and the appeal will be dismissed.

Pursuant to 8 C.F.R. § 214.2(k)(2), the denial of the petition is without prejudice. The petitioner may file a new Form I-129F petition on the beneficiary's behalf, submitting all the requested evidence. The burden of proof in these proceedings rests solely with the petitioner. See § 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.