



U.S. Citizenship  
and Immigration  
Services

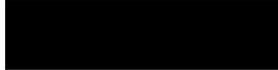
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FILE:



EAC 06 214 50881

Office: VERMONT SERVICE CENTER

Date: JUN 15 2007

IN RE:

Petitioner:



Beneficiary:

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, Vermont 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 citizen of Colombia, 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 because the petitioner failed to comply with the regulatory requirements for the submission of certain documents set forth at 8 C.F.R. § 103.2; specifically, the petitioner failed to submit a biographic data form G-325A for himself.

The regulations at 8 C.F.R. § 103.2 state, in pertinent part:

Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions (including where an application or petition should be filed) being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.

On September 12, 2006, the director requested that the petitioner submit a Form G-325A Biographic Information for himself; however, in response, the petitioner submitted a Form G-325A for his fiancée. On appeal, the petitioner states that he has tried to provide all requested information pertaining to the beneficiary and himself. He did not include the requested Form G-325A containing his biographical data. The petitioner has therefore failed to comply with the regulation at 8 C.F.R. § 103.2, 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 when sufficient evidence is available.

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

**ORDER:** The appeal is dismissed.