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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

JUL 25 2008

IN RE:

Petitioner:

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 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, Chief
Administrative Appeals Office

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

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Mexico, 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 director denied the petition after determining that the petitioner had failed to submit statements from himself and the beneficiary establishing their intent to marry or to provide evidence that he and the beneficiary had met within the two-year period immediately preceding the filing of the Form I-129F, Petition for Alien Fiancé(e), as required by section 214(d) of the Act. *Decision of the Director*, dated February 19, 2008.

On appeal, the Form I-290B, Notice of Appeal or Motion, is supported by an application for a marriage license. The AAO notes, however, that the Form I-290B is submitted by [REDACTED] the beneficiary of the Form I-129F, and signed by [REDACTED] as the person filing the appeal on behalf of the beneficiary. *See Form I-290B*, dated March 8, 2008.

Citizenship and Immigration Services (CIS) regulations state that the beneficiary of a visa petition is not a recognized party in a proceeding before CIS. 8 C.F.R. § 103.2(a)(3). As the beneficiary has no legal standing, she may not file an appeal, nor may a representative do so on her behalf. *See* 8 C.F.R. § 103.3(a)(1)(iii)(B). In that the record fails to include a Form G-28, Notice of Appearance as Attorney or Representative, that indicates [REDACTED] is representing the applicant in this matter rather than the beneficiary, the AAO will reject the appeal as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

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 rejected.