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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**

PUBLIC COPY

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FILE:

EAC 06 175 51840

Office: VERNONT SERVICE CENTER

Date:

MAR 26 2007

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 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 that appears 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 native and citizen of Ethiopia, as the fiancé 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 comply with the filing instructions for the Form I-129F in that she did not file a Form G-325A, Biographic Information sheet, for herself. *Decision of the Director*, dated October 10, 2006.

Title 8, Code of Federal Regulations, part 103.2 states in pertinent part:

- (a) *Filing*—(1) *General.* 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...
- (b) *Evidence and processing*—(1) *General.* An applicant or petitioner must establish eligibility for a requested immigration benefit. An application or petition form must be completed as applicable and filed with any initial evidence required by regulation or by the instructions on the form. Any evidence submitted is considered part of the relating application or petition.

The instructions for the Form I-129F require the submission of a completed and signed Form G-325A for both the petitioner and the beneficiary. *See Section 6.B. of the Form I-129F Instructions (Rev. October 26, 2005)* Y.

At the time of filing, the petitioner failed to submit a Form G-325A for herself. She also failed to submit this same form in response to the Director's request for evidence issued on August 9, 2006.

On appeal, the petitioner filed the Form I-290B without additional documentation. As the petitioner has not provided a Form G-325A for herself, she has not complied with the filing requirements for the Form I-129F. Therefore, the appeal will be dismissed.

The denial of the petition is without prejudice. The petitioner may file a new Form I-129F petition with the required documentation.

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 dismissed.