

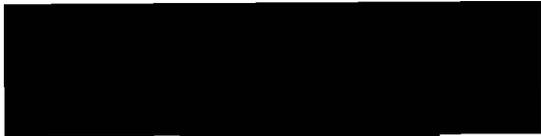


U.S. Citizenship
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Services

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FILE:



Office: VERMONT SERVICE CENTER

Date:

NOV 17 2009

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.

Perry Rhew

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 U.S. citizen who seeks to classify the beneficiary, a native and citizen of Nigeria, as the fiancé(e) 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 submit any initial evidence or supporting documentation. On appeal, the petitioner submits: proof of his U.S. citizenship; evidence that the petitioner and the beneficiary have personally met within the last two years; copies of email messages; a money gram receipt; and photographs of the petitioner with the beneficiary.

The instructions to the I-129F petition describe the documentation that must be submitted by the petitioner. When filing the petition, the petitioner did not submit any supporting documentation, and thus the director denied the petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii), which states:

Initial evidence. If all required initial evidence is not submitted with the application or petition or does not demonstrate eligibility, USCIS in its discretion may deny the application or petition for lack of initial evidence or for ineligibility or request that the missing initial evidence be submitted within a specified period of time as determined by USCIS.

On appeal, the petitioner submits the documentation listed above, but does not submit all of the required supporting documentation, such as: passport-style color photographs for the petitioner and the beneficiary; G-325A, Biographic Information forms for the petitioner and the beneficiary; and original statements from the petitioner and the beneficiary establishing their mutual intent to marry within 90 days of the beneficiary's admission into the United States. Accordingly, the petition may not be approved.

As always, 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 his burden.** The denial of the petition is without prejudice. Should the petitioner wish to file a new I-129F Petition, he should consult the instructions to the Form I-129F to understand the specific documents that he should file along with the petition. The petitioner may download the I-129F petition with the instructions from the USCIS website at www.uscis.gov, or he may call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 to have the form and the instructions mailed to his home.

ORDER: The appeal is dismissed.