

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



De

Date: JUN 03 2011 Office: CALIFORNIA SERVICE CENTER FILE:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, approved the nonimmigrant visa petition. On May 10, 2010, the approved petition was forwarded to the National Visa Center in Portsmouth, New Hampshire, by the U.S. Embassy in Phnom Penh, Cambodia, with a conclusion by the consular officer that the claimed relationship existed only for immigration purposes, and a recommendation for revocation. On July 19, 2010, the director terminated all action on the petition pursuant to 8 C.F.R. § 214.2(k)(5), as the period of validity of the petition had expired and the petition would not be revalidated. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

In this matter, there is no provision for an appeal from the director's decision to terminate all action on the petition pursuant to 8 C.F.R. § 214.2(k)(5). As of July 1, 2009, U.S. Citizenship and Immigration Services (USCIS) is allowing all consular returned I-129F fiancé(e) petitions from the Department of State that have expired in accordance with C.F.R. § 214.2(k)(5) to remain expired. USCIS will not reaffirm or reopen the petition. The petitioner, however, is not precluded from filing another petition with the required fee.

In view of the foregoing, the appeal has not been properly filed and must be rejected.

ORDER: The appeal is rejected.