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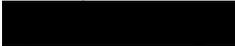


U.S. Citizenship
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Services

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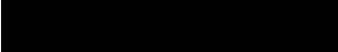


DL

FILE: 
EAC 04 255 53375

Office: VERMONT SERVICE CENTER

NOV 02 2005
Date:

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.

Robert P. Wiemann, Director
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 rejected.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Cambodia, 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 petitioner failed to submit the duly signed Forms G-325A for himself and the beneficiary and a color passport-style photo of himself, documents which the director had specified in the request for additional evidence. The director therefore denied the petition. On appeal, the petitioner submits copies of his passport and phone cards; however, he has not included the documents requested by the director.

As the director noted, an applicant must provide all the forms and evidence specified on the application, in this case, the Form I-129F Petition for Alien Fiancé(e). The regulations at 8 C.F.R. § 103.2 provide, 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. . . .

On appeal, the applicant writes that he loves his fiancée and wishes to bring her to the United States. He also apologizes for any errors in his application. His statements on the Form I-290B Notice of Appeal and the additional photos and phone cards submitted fail to overcome the director's reason for denial, since the basic application is still incomplete as described above.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v). On the Form I-290B, the applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. As the applicant fails to present additional evidence on appeal to overcome the director's decision, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v)

The burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.