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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
WAC 05 233 50251

Office: CALIFORNIA SERVICE CENTER

Date: JUN 28 2006

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of The Philippines, 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 comply with the meeting requirement of section 214(d) of the Act or establish a basis on which he might be exempted from that requirement. *Decision of the Director*, dated December 8, 2005.

The petitioner submitted a timely Form I-290B on December 19, 2005, indicating that he was not aware of the meeting requirement of section 214(d) of the Act, 8 U.S.C. § 1184(d). The petitioner provided no additional evidence.

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). The appeal in the instant case states that the petitioner did not understand the meeting requirement of section 214(d) of the Act, not that the director made an erroneous conclusion of law or statement of fact in denying the petition. Accordingly, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The AAO notes that the petitioner has indicated that he visited the beneficiary in September 2005, following his filing of the instant petition. As the petitioner and beneficiary have now met, he may file a new Form I-129F on her behalf in accordance with statutory requirements. To prove that he met the beneficiary in September 2005, the petitioner must submit evidence that will establish the dates on which he visited The Philippines, e.g., copies of the pages from his U.S. passport which show the dates of his arrival in The Philippines, his airline ticket and baggage claim receipts, or receipts for hotel stays or purchases that identify him by name. Photographs of the petitioner and beneficiary that are not film-dated do not establish compliance with the meeting requirement of section 214(d) of the Act.

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 summarily dismissed.