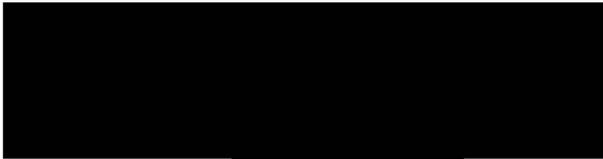




U.S. Citizenship
and Immigration
Services

dg



FILE: [Redacted] Office: VERMONT SERVICE CENTER

Date:

DEC 24 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal because the petitioner had not submitted any of the required supporting documentation. Upon further review, the AAO has determined that the record contains some of the required supporting documentation and thus will reopen the proceeding on a Service motion. The appeal will be dismissed.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Uganda, 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 of the termination of his prior marriage; a Form G-325A for both himself and the beneficiary; an original statement from himself establishing his intent to marry within 90 days of the beneficiary's admission into the United States; evidence that he and the beneficiary have personally met within the last two years; photographs of himself and the beneficiary during their engagement ceremony; and copies of bank statements and email messages. The petition may not be approved, however, because the record does not contain: passport-style color photographs for the petitioner and the beneficiary¹; and an original statement from the beneficiary establishing her intent to marry within 90 days of her admission into the United States.

The instructions to the I-129F petition at pages 2 and 3, items #5 and #6, further 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.

On appeal, the petitioner submits the documentation listed above, but does not submit all of the required supporting documentation, as described in the instructions to the I-129F petition. In view of the foregoing, the appeal must be dismissed.

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.

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. The petition is denied.

¹ In his August 18, 2009, the petitioner stated that he had submitted passport-size photographs. The record as it is presently constituted, however, does not contain such photographs.