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

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D/S

FILE:

Office: VERMONT SERVICE CENTER

Date: **FEB 05 2009**

IN RE:

Petitioner:

Beneficiary:

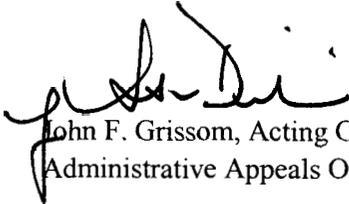
PETITION: Petition for Alien Fiancé(e) Pursuant to § 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

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.


John F. Grissom, Acting 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 The director's decision will be withdrawn and the matter remanded for further action.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Mexico, 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 a statement and copies of his U.S. birth certificate, high school diploma, social security card, and Marine Corps identification. The petition may not be approved, however, because the record does not contain the following: a passport-style color photograph of the petitioner; a passport-style color photograph of the beneficiary; a statement from the petitioner and a statement from the beneficiary that they plan to marry within 90 days of the beneficiary's admission to the United States; a signed and completed Form G-325A, Biographic Information, for the petitioner; a signed and completed Form G-325A, Biographic Information, for the beneficiary; and evidence that the petitioner and the beneficiary have personally met within the last two years or a detailed explanation and evidence of the extreme hardship or customary, cultural or social practices that have prohibited their meeting.

The instructions to the I-129F petition at pages 2 and 3, items #5 and #6, state that the above described documentation must be submitted for both the petitioner and the beneficiary. When filing the petition, the petitioner did not submit any supporting documentation, and thus the director denied the petition.

On appeal, the petitioner submits proof of his U.S. citizenship, but does not submit all of the required supporting documentation, as described on pages 2 and 3 of the instructions to the I-129F petition. Accordingly, the AAO shall remand the matter to the director so that he can provide the petitioner with an opportunity to submit all of the required documentation. The director may request any additional information or evidence that he deems necessary. As always, the burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The director's decision is withdrawn and the matter remanded for issuance of a Request for Evidence (RFE) and entry of a new decision. If the new decision is adverse to the petitioner, the director shall certify it to the AAO for review.