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U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship
and Immigration
Services

h.c.

[Redacted]

FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: JAN 14 2009

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

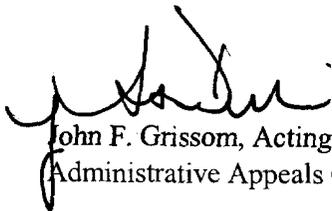
PETITION: Petition for Alien Fiancé(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

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.


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. 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 Liberia, as the fiancé(e) 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 nonimmigrant visa petition due to abandonment because the petitioner failed to submit requested evidence.

Pursuant to 8 C.F.R. § 103.2(b)(15), the denial of a petition due to abandonment may not be appealed. In the May 2, 2008 denial notice, the director informed the petitioner that, if she believed that the decision was made in error, the petitioner could file a motion to reopen using the Form I-290B. The petitioner filed the Form I-290B on May 21, 2008; however, the petitioner checked Box B in Part 2, indicating that she was filing an appeal. She did not check Box D, E or F, all of which relate to motions to reopen or reconsider. The AAO does not have appellate jurisdiction when a petition is denied due to abandonment. Accordingly, the appeal must be rejected.

ORDER: The appeal is rejected.