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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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Date: **MAR 15 2012**

Office: VERMONT SERVICE CENTER File: 

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:

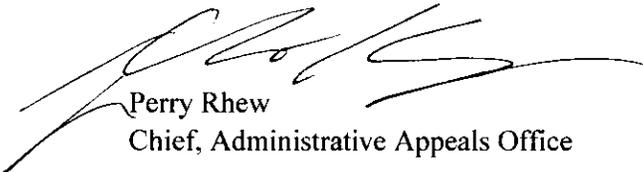
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 the \$630 fee. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. 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 the United Kingdom, 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 nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the petitioner failed to submit required initial evidence and the petition was signed and filed by the beneficiary. On appeal, the petitioner submits a statement and additional evidence.

The record reflects that the beneficiary of the Form I-129F nonimmigrant visa petition signed the petition as the petitioner and the preparer of the form. The regulations at 8 C.F.R. § 103.2(a)(2),(3) provide that a petitioner must sign his or her benefit request and the beneficiary of a visa petition is not a recognized party in a proceeding before U.S. Citizenship and Immigration Services (USCIS). Therefore, the Form I-129F should have been rejected below as improperly filed.

On appeal, the petitioner submits a new Form I-129F that he signed as the petitioner. The second Form I-129F, however, has not been properly filed with the appropriate office and with the applicable filing fee pursuant to 8 C.F.R. § 103.2(a). The AAO lacks jurisdiction to adjudicate the second Form I-129F submitted on appeal. Accordingly, the petitioner has failed to overcome the fact that the initial Form I-129F was improperly filed by the beneficiary and no purpose would be served by evaluating whether the additional documents submitted on appeal meet the evidentiary requirements. Accordingly, the appeal will be dismissed.

This dismissal is without prejudice to the filing of a new Form I-129F on the beneficiary's behalf in compliance with the statutory and regulatory requirements.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not met that burden.

**ORDER:** The appeal is dismissed.