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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



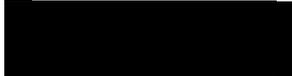
U.S. Citizenship  
and Immigration  
Services

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DATE: **MAY 15 2012** OFFICE: CALIFORNIA SERVICE CENTER

FILE: 

IN RE: Petitioner:  
Beneficiary:



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)

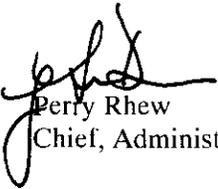
ON BEHALF OF BENEFICIARY:



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.

Thank you,

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The director of the California Service Center approved the petitioner's Form I-129F, Petition for Alien Fiancé(e), and the director of the Moscow Field Office denied the beneficiary's subsequently-filed Form I-601, Application for Waiver of Grounds of Inadmissibility. The Form I-129F is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a citizen of Ukraine, 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). Although the Form I-129F was approved on March 17, 2011, counsel stated at Part 2 of the Form I-290B, Notice of Appeal or Motion, that the instant appeal relates to the Form I-129F. Accordingly, the AAO shall treat the Form I-290B as an appeal relating to the Form I-129F and not the Form I-601.<sup>1</sup>

The appeal will be rejected for two reasons. First, the Form I-129F was approved, and only a U.S. Citizenship and Immigration Services officer may reopen a decision approving a petition. *See* 8 C.F.R. § 103.5(a)(5). Second, the beneficiary of an immigrant visa petition is not an affected party and has no legal standing in this proceeding to file an appeal.<sup>2</sup> 8 C.F.R. § 103.3(a)(1)(iii)(B). An appeal filed by a person with no legal standing to file it must be rejected as improperly filed. 8 C.F.R. 103.3(a)(2)(v)(A)(1).

**ORDER:** The appeal is rejected.

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<sup>1</sup> The beneficiary bears the burden of completing the Form I-290B accurately and according to its instructions. *See* 8 C.F.R. § 103.2(a)(1). The Form I-601 remains denied.

<sup>2</sup> Counsel filed the Form I-290B on behalf of the beneficiary, not the petitioner.