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

(b)(6)

U.S. Citizenship and Immigration Services

Date: JUL 3 1 2014 Office: TEXAS 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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center (the director), denied the Petition for Alien Fiancée (Form I-129F) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The petitioner is a citizen of the United States who is filing the instant petition under section 101(a)(15)(K)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(ii), which describes a K nonimmigrant spouse, in pertinent part, as:

> Subject to subsections (d) and (p) of section 214, an alien who--
>
> * * *
>
> (ii) has concluded a valid marriage with a citizen of the United States . . . who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, *and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa . . . .*

(Emphasis added). The record reflects the petitioner filed a petition for alien relative (Form I-130) on the beneficiary's behalf on October 22, 2012 that U.S. Citizenship and Immigration Services (USCIS) approved on January 7, 2013. The record further shows that the beneficiary was admitted to the United States as a lawful permanent resident on a conditional basis on October 6, 2013 based upon this approved Form I-130.

At the time of the beneficiary's entry into the United States, the director had not yet adjudicated the instant Form I-129F. When, in December 2013, the director did adjudicate the Form I-129F, he determined that the beneficiary no longer needed to enter the United States to await the approval of the Form I-130 and the availability of an immigrant visa and, therefore, pursuit of the Form I-129F was no longer necessary. The director's decision is correct; because the beneficiary has been admitted to the United States as a lawful permanent resident on a conditional basis, the Form I-129F must remain denied, as a K nonimmigrant visa is no longer needed by the beneficiary for her entry into the United States.

ORDER: The appeal is dismissed as moot.