



(b)(6)

[REDACTED]

Date: Office: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: **JUL 31 2014**

Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center (the director), denied the Petition for Alien Fiancé(e) (Form I-129F) 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 Iran, as the fiancée 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 because the petitioner failed to submit a Form G-325A, Biographic Form for himself and the beneficiary. On appeal, petitioner submits a Form G-325 for himself and the beneficiary.

Applicable Law

A "fiancé(e)" is defined at Section 101(a)(15)(K) of the Act as:

subject to subsections (d) and (p) of section 214, an alien who -

(i) is the fiancée or fiancé of a citizen of the United States . . . and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission[.]

Factual and Procedural History

The petitioner filed the fiancé(e) petition with U.S. Citizenship and Immigration Services (USCIS) on June 26, 2013. The director issued a Request for Evidence (RFE) of the Form G-325A for the petitioner and the beneficiary. The director denied the petition for failure to submit the Form G-325A.

On appeal, the petitioner asserts that he had previously submitted the Form G-325 for himself and the beneficiary, and the petitioner submits newly completed Forms G-325 on appeal.

Analysis

The Form G-325A and the Form G-325 are two separate forms that ask for different information about the person completing it. For example, if a person was previously married, the Form G-325 asks for the name, date of birth, and city and country of birth of any prior spouse, as well as the date and place of the termination of the marriage. In contrast, the Form G-325A asks for the name and date of birth of any prior spouse, as well as the date and place of the marriage and its termination.

The *Instructions* to the Form I-129F require the filing of a Form G-325A, not a Form G-325. The director specifically requested the submission of a Form G-325A for the petitioner and the beneficiary through the issuance of the RFE. The petitioner, however, did not submit the requested evidence, only additional copies of the incorrect Form G-325. As the petitioner did not submit the required and requested evidence, the petition filed on the beneficiary's behalf may not be approved. *See* 8 C.F.R.

§ 103.2(b)(13)(i) (failure to submit evidence necessary to the processing and approval of a petition may result in denial of the petition).

Conclusion

The burden of proof in fiancé(e) visa petition proceedings rests solely with the petitioner. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed. The Form I-129F remains denied.