



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 21943437

Date: AUG. 22, 2022

Appeal of California Service Center Decision

Form I-129F, Petition for Alien Spouse

The Petitioner seeks to classify the Beneficiary as the K-3 spouse of a U.S. citizen. The K-3 nonimmigrant classification allows the noncitizen spouse of a U.S. citizen who is the beneficiary of an immigrant visa petition to enter the United States to await the approval of the immigrant visa petition. Section 101(a)(15)(k)(ii) of the Act, 8 U.S.C. § 1101(a)(15)(k)(2).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Petitioner's spouse was the beneficiary of a pending immigrant visa petition. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will summarily dismiss the appeal.

I. LAW

Section 101(a)(15)(k)(ii) of the Act defines a K-3 nonimmigrant as a noncitizen who has concluded a valid marriage with a U.S. citizen who is the petitioner, is the beneficiary of an immigrant visa petition filed on their behalf by the petitioner, and who seeks to enter the United States to await the approval of that visa petition and the availability of an immigrant visa.

The regulation at 8 C.F.R. § 214.2(k)(7) states in relevant part that in order to be classified as a K-3 nonimmigrant, the noncitizen spouse "must be the beneficiary of an immigrant visa petition filed by a U.S. citizen on Form I-130, Petition for Alien Relative"

Under 8 C.F.R. § 103.3(a)(1)(v), if an appellant fails to specifically identify any erroneous conclusion of law or statement of fact for their appeal, the appeal shall be summarily dismissed.

II. ANALYSIS

The record indicates that in April 2021, the Petitioner filed the underlying Form I-129F, Petition for Alien Fiancé(e), and a Form I-130, Petition for Alien Relative, on the Beneficiary's behalf. In September 2021, the Form I-130 was denied. The Director of the California Service Center then

denied the Form I-129F, finding that since the Form I-130 filed on the Beneficiary's behalf had been denied, she was not the beneficiary of an immigrant visa petition and so did not qualify for the K-3 classification under 8 C.F.R. § 215.2(k)(7).

On appeal, the Applicant submits a cover letter and copies of previously-filed materials, but does not identify any erroneous conclusion of law or statement of fact in the Director's decision. 8 C.F.R. § 103.3(a)(1)(v). For this reason, we will summarily dismiss the appeal.

ORDER: The appeal is summarily dismissed under 8 C.F.R. §103.3(a)(1)(v).