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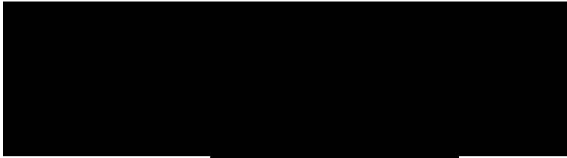
U.S. Department of Homeland Security  
20 Massachusetts Avenue NW, Rm. 3000  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

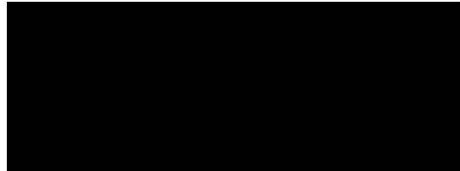
Date:

**FEB 05 2009**

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)

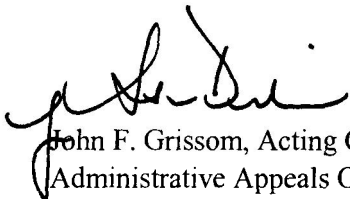
ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

  
John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, California Service Center, and is now on appeal before the Administrative Appeals Office (AAO). 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 Pakistan, 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 petition because the petitioner had failed to: (1) establish that he and the beneficiary met in person within the two years immediately preceding the filing of the petition; and (2) submit evidence that he qualified for an exemption from this meeting requirement, pursuant to 8 C.F.R. § 214.2(k)(2). On appeal, the petitioner provides a letter from a Catholic parish priest and an affidavit from the parents of the beneficiary.

Section 101(a)(15)(K) of the Act defines "fiancé(e)" as:

An alien who 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 entry. . . .

Section 214(d) of the Act, 8 U.S.C. § 1184(d), states in pertinent part that a fiancé(e) petition:

[s]hall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival . . . .

Pursuant to 8 C.F.R. § 214.2(k)(2), the petitioner may be exempted from this requirement for a meeting if it is established that compliance would:

- (1) result in extreme hardship to the petitioner; or
- (2) that compliance would violate strict and long-established customs of the beneficiary's foreign culture or social practice, as where marriages are traditionally arranged by the parents of the contracting parties and the prospective bride and groom are prohibited from meeting subsequent to the arrangement and prior to the wedding day. In addition to establishing that the required meeting would be a violation of custom or practice, the petitioner must also establish that any and all other aspects of the traditional arrangements have been or will be met in accordance with the custom or practice.

The regulation does not define what may constitute extreme hardship to the petitioner. Therefore, each claim of extreme hardship must be judged on a case-by-case basis taking into account the totality of the petitioner's circumstances. Generally, a director looks at whether the petitioner can demonstrate the existence of circumstances that are (1) not within the power of the petitioner to control or change, and

(2) likely to last for a considerable duration or the duration cannot be determined with any degree of certainty.

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with U.S. Citizenship and Immigration Services (USCIS) on November 5, 2007. Therefore, the petitioner and the beneficiary were required to have met between November 5, 2005 and November 5, 2007.

When he filed the petition, the petitioner responded “no” to question #18 on the I-129F Petition that asks whether he and the beneficiary had met in person within the two years before the filing of the petition. The petitioner did not request a waiver of the in-person meeting requirement.

In a March 12, 2008 Request for Evidence (RFE), the director requested, among other items, evidence to establish that the petitioner and beneficiary met in person within the required timeframe or, in the alternative, evidence to establish why the requirement of an in-person meeting should be waived. In response, the petitioner submitted letters from his mother and himself. According to his letter, the petitioner had communicated extensively with the beneficiary via telephone, email, and instant messenger, but he had never met her in person. He also stated that the beneficiary’s family had held a ceremony for her in Pakistan, and her family in the United States had held a “little party” for him. He stated further that neither he nor the beneficiary could afford to travel back and forth, and that he did not know how safe it would be for him to travel to Pakistan.

As discussed above, the director denied the petition because the petitioner had failed to establish that he and the beneficiary met, as required under section 214(d) of the Act, and that he qualified for an exemption from this meeting requirement, pursuant to 8 C.F.R. § 214.2(k)(2).

On appeal, the petitioner provides a letter from the parish priest, [REDACTED] of the Catholic Church located at Christian Colony, Satellite Town in Rawalpindi, Pakistan, stating that the beneficiary, who is a member of the parish, was engaged to the petitioner on November 10, 2007. [REDACTED] states:

The ceremony was conducted according to ritual culture and customs of Pakistan. According to the culture, an engagement occurs in the premises of both the girl and the boy. It is not deemed necessary that both be together for the engagement ceremony. It would indeed be culturally improper if the couple were to be together, although in modern times that does happen.

[The beneficiary’s] engagement ceremony was conducted according to the culture of the country. The proposals for marriage are made by the parents and elders of the families involved and then the engagement ceremonies are conducted in the presence of the family members, relatives and friends of the families. The couple who are “been” engaged need not be present. Both families are to be present.

The petitioner also provides a notarized statement from the beneficiary’s parents, affirming the November 10, 2007 engagement of their daughter to the petitioner, in accordance with the culture and tradition of Pakistan “where it is not necessary that boy and girl need to be together on the occasion.”

The petitioner has failed to establish that his travel to Pakistan during the requisite period should be exempted because of hardship to him. The evidence regarding the petitioner's finances and safety and how they impact on his ability to travel lacks detail and substance. The petitioner has failed to establish that travel to Pakistan during the requisite period should be exempted because of hardship. In addition, neither the letter from the parish priest nor the affidavit from the beneficiary's parents regarding Pakistani culture and tradition establishes that compliance with the in-person meeting requirement would violate strict and long-established customs of the beneficiary's foreign culture or social practice. The parish priest and the beneficiary's parents all state that the couple to be engaged need not be present. They do not state that their presence would in any way constitute a violation of Pakistani culture and tradition.

Without more details to substantiate the petitioner's claims that he could not travel to Pakistan during the requisite period and that he is qualified for an exemption from the in-person meeting requirement, the AAO cannot find that the petitioner should be exempt from the requirement of an in-person meeting between him and the beneficiary within the two-year period before the filing of the petition. Accordingly, the appeal is dismissed. The petition must be denied.

Beyond the decision of the director, the petition is also not approvable because the petitioner failed to submit the following documents, in accordance with the instructions to the Form I-129F: (1) an explanation for the beneficiary's use of two different names on the submitted documentation [REDACTED] and [REDACTED] – and copies of the legal documents that made the change, such as a marriage certificate, adoption decree, or court order; and (2) statements or other evidence that establishes the intent of the petitioner and the beneficiary to marry within 90 days of the beneficiary's arrival to the United States.

The denial of the petition is without prejudice to the filing of a new I-129F Petition on the beneficiary's behalf. If necessary, the petitioner should consult the instructions to the Form I-129F to understand the specific documents that he should file along with the petition. The petitioner may download the I-129F petition with the instructions from the USCIS website at [www.uscis.gov](http://www.uscis.gov), or he may call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 to have the form and the instructions mailed to his home.

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

**ORDER:** The appeal is dismissed. The petition is denied.