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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

[Redacted]

File:

[Redacted]

Office: California Service Center Date:

APR 23 2001

IN RE:

Petitioner:

[Redacted]

Beneficiary:

Petition:

Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

IN BEHALF OF PETITIONER:

[Redacted]

Public Copy

INSTRUCTIONS:

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

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*Robert P. Wiemann*  
Robert P. Wiemann, Acting Director  
Administrative Appeals Office



**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States. The beneficiary is a native and citizen of Afghanistan. The director determined that the petitioner had not established that she and the beneficiary personally met within two years prior to the petition's filing date.

On appeal, counsel states that meeting the beneficiary would result in extreme hardship for the petitioner because the petitioner is currently attending college and is also employed on a part-time basis. Counsel states that the petitioner is unable to take any time off from her studies or work. Further, counsel states that the petitioner meeting her fiance in person would violate strict and long established customs of their culture, social practice and religion.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:

An alien who is the fiancee or fiance 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 fiancee petition:

shall 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 bonafide 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...

The petition was filed with the Service on January 6, 2000. Therefore, the petitioner and the beneficiary must have met in person between January 7, 1998 and January 6, 2000.

The Petition for Alien Fiance(e) (Form I-129F) indicates that the petitioner and beneficiary have not personally met. Since the petitioner had not met the beneficiary in person within two years of the petition's filing date, the director denied the petition.

Absent a personal meeting, the Attorney General may waive the requirement that the parties have previously met. According to the regulation at 8 C.F.R. 214.2(k)(2), the director may exempt the

petitioner from this requirement only if it is established that compliance would:

- (1) Result in extreme hardship to the petitioner; or
- (2) Violate strict and long-established customs of the beneficiary's foreign culture or social practice....

The record contains no evidence that a personal meeting would cause extreme hardship to the petitioner. Having to take time off from her work and studies and other difficulties involved in traveling abroad as required for compliance with the statutory requirement do not constitute extreme hardship.

Counsel requests that the meeting of the two parties be waived because they are both Moslems and have had a strict Islamic upbringing. Counsel states that meetings between the couple are shunned upon and deemed immoral and in defiance of Islamic rules and traditions. Counsel also submitted a letter from the Islamic Association of Immigrants which states in part that, "it is of our culture and our social practice the male does not visually see his future wife until they are brought together in marriage as husband and wife."

Information provided by the Library of Congress states that:

....we are not aware of any writer on Islamic law who has stated that the parties who are engaged to be married are prohibited from seeing or meeting each other....

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.