

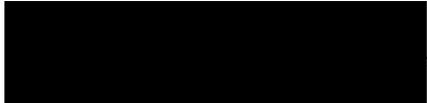


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U.S. Department of Justice

Immigration and Naturalization Service

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



Public Copy

File: [Redacted] Office: Nebraska Service Center Date: MAY 22 2001

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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)

IN BEHALF OF PETITIONER: [Redacted]

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

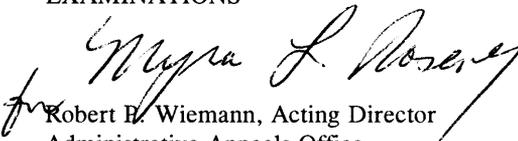
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

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

for 
Robert E. Wiemann, Acting Director
Administrative Appeals Office

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

The petitioner is a citizen of the United States. The beneficiary is a native and citizen of Iraq. 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 the petitioner is a U.S. citizen, and cannot safely meet her fiance in Iraq. Counsel also states that she is barred by her Islamic faith from meeting her fiance prior to the wedding.

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 March 24, 2000. Therefore, the petitioner and the beneficiary must have met in person between March 25, 1998 and March 24, 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....

On appeal, counsel submitted two letters from Islamic authorities. Counsel states that the letters clarify that a personal meeting between the petitioner and beneficiary is possible under Islamic law, but only if the woman is accompanied by her father, or brother. Counsel contends that the petitioner's father, Yousif Mustafa, fled Iraq in 1983 due to fear of persecution, and is unable to return to Iraq, or Jordan. Counsel states further that the petitioner does not have any brothers.

The letter from the president of the Islamic American University states that "no private meetings are allowed under any circumstances without the presence of the woman's father, brother, or **any male who she cannot marry**". The other letter from the Islamic Society of Greater Kansas City dated September 7, 2000 states that "unsupervised meetings are not allowed under any circumstances **without the presence of a person that the girl is prohibited to marry**, such as a father, or a brother, which is called in the Islamic terminology, a Muharram ." Therefore, the petitioner can meet the beneficiary as long as it is a supervised meeting, and a unrelated male adult that the petitioner is prohibited by law from marrying is present at the meeting. The unrelated male adult does not have to be the petitioner's father or brother. Consequently, the petitioner has not established that a personal meeting would violate the strict and long-established customs of the beneficiary's foreign culture or social practice.

Counsel states that a personal meeting between the petitioner and beneficiary would be an extreme hardship. Counsel asserts that the petitioner would have to travel alone to Iraq. Counsel also states that the petitioner is a United States citizen, and is unfamiliar with Middle Eastern countries. Further, the petitioner states that she has a commitment to her education at Central Missouri State University. However, financial hardships and other difficulties involved in traveling abroad as required for compliance with the statutory requirement do not constitute extreme hardship.

Finally, counsel states that the petitioner may face persecution in Iraq and that the beneficiary cannot freely leave Iraq or travel into Jordan. However, simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. See Matter of Treasure Craft of California, 14 I&N Dec. 190 (Reg. Comm. 1972). Further, the petitioner and beneficiary can meet in another country. There is no requirement that the meeting take place in Iraq, or Jordan.



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.