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U.S. Citizenship  
and Immigration  
Services

*Do* MAR 02 2005

FILE: [REDACTED]  
SRC 03 165 50633

Office: TEXAS SERVICE CENTER

Date:

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:

[REDACTED]

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.

*Robert P. Wiemann*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Texas Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be sustained.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Thailand, as the fiancée of a United States citizen pursuant to section 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 after determining that the petitioner had not offered documentation evidencing that he and the beneficiary had personally met within two years before the date of filing the petition, as required by section 214(d) of the Act and had not submitted credible documentary evidence to establish the fiancée relationship within the meaning of section 101(a)(15)(K) of the Act. *Decision of the Director*, dated December 4, 2003.

Section 101(a)(15)(K) of the Act, 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who:

- (i) is the fiancé(e) of a U.S. citizen and who seeks to enter the United States solely to conclude a valid marriage with that citizen within 90 days after admission;
- (ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or
- (iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), states, in pertinent part, that a fiancé(e) 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 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 at section 214.2 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 Citizenship and Immigration Services on June 10, 2003. Therefore, the petitioner and the beneficiary were required to have met during the period that began on June 10, 2001 and ended on June 10, 2003.

In response to the director's request for evidence and additional information, the petitioner submitted a probate court document from the Commonwealth of Massachusetts.

On appeal, counsel submits a brief asserting that the petitioner and the beneficiary met in person within the two years immediately preceding the filing of the petition. Petitioner's Appeal, dated March 5, 2004. In support of this assertion, counsel provides an affidavit of the petitioner; an affidavit of a friend of the petitioner; a copy of a photograph of the petitioner and the beneficiary together; copies of receipts for charges incurred by the petitioner while in Thailand; copies of telephone bills reflecting calls made to Thailand by the petitioner; copies of hotel receipts issued to the petitioner by establishments in Thailand; copies of pages from the United States passport issued to the petitioner reflecting entry into Bangkok, Thailand on March 13, 2003 and copies of photographs of the petitioner with members of the beneficiary's family. Counsel also submits certified copies of the divorce decrees terminating the marriages of the petitioner and his two former spouses.

The record on appeal demonstrates that the petitioner visited Thailand during March 2003 as evidenced by his passport entries and copies of hotel bills and credit card receipts issued to him from establishments in Thailand. The record further reflects that the petitioner met the beneficiary while in Thailand during March 2003 as evidenced by the affidavit of his friend declaring that he introduced the petitioner and the beneficiary and the provided photograph of the petitioner and the beneficiary together; the petitioner and the beneficiary met during the period that began on June 10, 2001 and ended on June 10, 2003. The AAO finds that the evidence on appeal establishes compliance with the meeting requirement under section 214(d) of the Act.

Further, the record contains copies of the divorce decrees terminating the petitioner's two previous marriages. The AAO finds therefore that the record on appeal includes credible documentary evidence to establish the fiancée relationship within the meaning of section 101(a)(15)(K) of the Act. Therefore, the appeal will be sustained.

**ORDER:** The appeal is sustained and the application is approved.