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U.S. Citizenship  
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Services



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MAR 10 2005

FILE: [REDACTED]  
SRC 04 122 51851

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: 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.

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 dismissed.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Liberia, 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. *Decision of the Director*, dated June 22, 2004.

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 March 26, 2004. Therefore, the petitioner and the beneficiary were required to have met during the period that began on March 26, 2002 and ended on March 26, 2004.

In response to the director's request for evidence and additional information, the petitioner submitted documentation evidencing his trip to the United States from Liberia in November 1999.

On appeal, the petitioner submits a letter stating that he lived in Liberia from the time he was a young boy until his departure in November 1999. The petitioner indicates that he began dating the beneficiary a few months before his departure to the United States and they became engaged on October 6, 1999. The petitioner has a child from a previous relationship. The petitioner states that he and the beneficiary decided that he would petition to bring his child to the United States and then petition for the beneficiary. The petitioner contends that he was unable to petition for both his daughter and the beneficiary within two years of leaving Liberia. He states that he is scared to return to Liberia because it is a dangerous country and he cannot afford the cost of airfare. *Letter from Stanley Clarke*, dated July 7, 2004. In support of his assertions, the petitioner submits a United States Department of State Travel Warning for Liberia, dated May 21, 2002 and an article regarding the warning, dated July 6, 2004.

Under section 214(d) of the Act, the petitioner and the beneficiary were required to have met between March 26, 2002 and March 26, 2004. The evidence submitted by the petitioner establishes that he last met the beneficiary during November 1999. Although section 214(d) of the Act requires the petitioner and the beneficiary to meet, it does not require the petitioner to travel to the beneficiary's home country. The AAO acknowledges the petitioner's contention that as a United States citizen, he would be a target for violence in Liberia. *Id.* The AAO further recognizes that prior to his departure from Liberia, the petitioner claims he was threatened with harm by gang members with knives who sought money from him. *Id.* The AAO finds, however, that the record fails to establish that the petitioner would be targeted for violence if he returned to Liberia, a country in which he resided for close to thirty years, for a short period in order to meet with the beneficiary.

Furthermore, the record on appeal does not demonstrate that the petitioner and the beneficiary explored options for a meeting beyond the petitioner traveling to Liberia, including, but not limited to the beneficiary traveling to meet the petitioner in the United States or a bordering country. Moreover, the financial and time commitments required for travel to a foreign country are a common requirement to those filing the Form I-129F petition and do not constitute extreme hardship to the petitioner.

The evidence of record does not establish that the petitioner and the beneficiary met as required. Taking into account the totality of the circumstances as the petitioner has presented them, the AAO does not find that

compliance with the meeting requirement would result in extreme hardship to the petitioner or would violate strict and long-established customs of the beneficiary's foreign culture or social practice. Therefore, the appeal will be dismissed.

Pursuant to 8 C.F.R. § 214.2(k)(2), the denial of the petition is without prejudice. The petitioner may file a new Form I-129F petition on the beneficiary's behalf when sufficient evidence is available.

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

**ORDER:** The appeal is dismissed.