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U.S. Department of Homeland Security  
20 Massachusetts Avenue NW, Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

D6



FILE:



Office: NEBRASKA SERVICE CENTER

Date: APR 01 2005

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

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 January 2, 2004. Therefore, the petitioner and the beneficiary were required to have met during the period that began on January 2, 2002 and ended on January 2, 2004.

On the Form I-129F petition, the petitioner indicated that she and the beneficiary had not met. The petitioner submitted a letter stating that she and the beneficiary are not allowed to meet and be photographed together prior to their marriage. *Letter from Nawal Elmagbari*, dated December 19, 2003.

On appeal, the petitioner submits a letter reiterating that she and the beneficiary are not allowed to meet prior to their marriage. She contends that the decision of the director misinterpreted the letter she submitted when filing the Form I-129F petition. The petitioner indicates that if she traveled to England to see the beneficiary, she would need to be accompanied by a male blood relative. She states that her father is unable to travel due to health problems. *Letter from Nawal Elmagbari*, dated May 18, 2004. The AAO notes that the record also includes a letter from the Imam and President of the Islamic Center of Greeley, Colorado. The letter states that physical contact between a man and a woman prior to marriage is not allowed under Islamic belief. The letter indicates that the practice of arranged marriages is followed to prevent problems that can occur due to pre-marital relations.

The AAO acknowledges the petitioner's assertion that she is unable to travel to meet the beneficiary owing to the couple's adherence to the Muslim faith. The petitioner states that she cannot meet with the beneficiary until they are married and that she needs to be accompanied by a male chaperone if she travels to meet the beneficiary. *Letter from Nawal Elmagbari*, dated May 18, 2004 ("In case you are wondering why I do not go and see [the beneficiary] in England, I cannot for the reasons above and also because women in my religion are not allowed to travel alone..."). The AAO notes that Citizenship and Immigration Services has experience with similar applications and relies on information provided by Imam Islamic Foundation of North America, which states,

It is declared that according to Islamic Law and practices, any adult Muslim boy or girl are [sic] not allowed to date or meet his/her partner before marriage. However, for finalizing the decision of marriage, it is permissible for both to see each other in the presence of their families.

The AAO acknowledges the petitioner's assertions regarding the customs associated with arranged marriages in the Muslim tradition as the basis for the granting of a waiver under 8 C.F.R. § 214.2(k)(2). The AAO notes that these customs standing alone do not prohibit compliance with the meeting requirement under section

214(d) of the Act. The inability of the petitioner's father to accompany her to meet the beneficiary may constitute extreme hardship, however, the record fails to provide substantiation of the petitioner's claim that her father is unable to travel. Further, the AAO notes that 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 record on appeal does not demonstrate that the petitioner and the beneficiary explored options for a meeting beyond the petitioner traveling to the United Kingdom, including, but not limited to the beneficiary traveling to meet the petitioner in the United States or a bordering country.

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.