

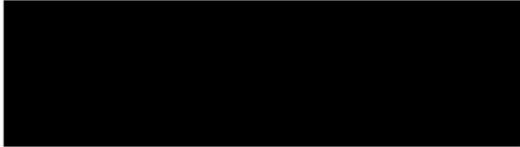
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **OCT 25 2006**
WAC 05 182 53874

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 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of England, as the fiancé of a U.S. 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 record did not establish that the petitioner and beneficiary had personally met within the two-year period immediately preceding the date of filing of the petition, as required by section 214(d) of the Act. *Decision of the Director*, dated October 13, 2005.

On appeal, the petitioner states that sufficient evidence was provided, that her witnesses were not contacted and that photos are enclosed. *Form I-290B*, dated October 28, 2005.

The record includes, but is not limited to, the petitioner's brief, photos and copies of passport stamps for the petitioner and beneficiary, and letters verifying that the petitioner and beneficiary have met.

Section 101(a)(15)(K) of the Immigration and Nationality Act (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 petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with Citizenship and Immigration Services on June 9, 2005. Therefore, the petitioner and the beneficiary were required to have met during the period that began on June 9, 2003 and ended on June 9, 2005.

The petitioner states that they have visited each other in each country several times since their first meeting in April 2003. *Form I-129F*, at 2, dated June 9, 2005. The record includes three letters from the petitioner's neighbors which state that the beneficiary has been visiting the petitioner on a regular basis and they have been staying together in Traveler's Rest, South Carolina. The record reflects that the beneficiary was admitted to the United States at Charlotte, North Carolina on August 8, 2003, October 25, 2003, December 12, 2003, January 22, 2004, February 12, 2004, April 1, 2004 and October 10, 2004. *Copy of Beneficiary's Passport*, 16-19, 30, dated June 11, 2003. The record reflects that the petitioner was admitted to England on July 26, 2003 and June 19, 2004. *Copy of Petitioner's Passport*, 10-11, dated February 28, 2003. The petitioner has also submitted photographs of her and the beneficiary with one of them being processed by CVS on November 23, 2003.

Based on the totality of the evidence, the record reflects that the petitioner and beneficiary have met during the period that began on June 9, 2003 and ended on June 9, 2005 and therefore, the meeting requirement of section 214(d) of the Act has been fulfilled.

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 met that burden.

ORDER: The appeal is sustained. The petition is approved.