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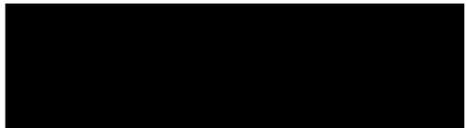
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



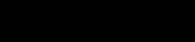
U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

DEC 12 2007

WAC 06 276 50998

IN RE:

Petitioner:

Beneficiary:



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.

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 petitioner is a citizen of the United States who seeks to classify the beneficiary, a native of Saudi Arabia and a citizen of Pakistan, 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 and beneficiary had not met within the two-year period immediately preceding the filing of the petition, as required under section 214(d) of the Act, and had failed to establish that such a meeting would have constituted an extreme hardship or would have violated strict and long-established customs of the beneficiary's foreign culture or social practice. *Decision of the Director*, dated January 30, 2007.

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 regulation 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 September 18, 2006. Therefore, the petitioner and the beneficiary were required to have met during the period that began on September 18, 2004 and ended on September 18, 2006.

At the time of filing, the petitioner indicated that she and the beneficiary had not previously met due to the customs of his family prohibiting his marrying outside of his race. *Form I-129*, dated September 15, 2006.

On appeal, the petitioner submits a letter and submits new documentation showing the restrictions in Saudi Arabian law, where the beneficiary resides, which prohibits the petitioner and beneficiary from meeting. The petitioner submits: her college transcripts, her 2006 tax return, a translated copy of Saudi Arabia's Labor Law, a copy of the beneficiary's work agreement in Saudi Arabia, a State Department Consular Information Sheet for Saudi Arabia, showing the entry and exit requirements for the country, and printouts from www.kfshrc.edu.sa and www.aglobalworld.com also explaining the entry and exit requirements for Saudi Arabia. No documentation was submitted regarding the customs of the beneficiary's culture or her family's.

The AAO recognizes that due to the strict entry requirements of Saudi Arabia that the petitioner cannot travel there to meet the beneficiary. In addition, the record indicates that residents working in Saudi Arabia surrender their passports to their employer and must obtain an exit permit from their employer before departing the country. *Print out from www.kfshrc.edu.sa*, printed on February 9, 2007. The record also indicates that during the specified period of time the beneficiary, under his work agreement, was not able to obtain an exit permit and leave Saudi Arabia. *Beneficiary's Work Agreement*, dated March 8, 2006. Thus, the petitioner has established that compliance with the meeting requirement during the specified period would have constituted an extreme hardship. Therefore, the appeal will be sustained.

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 met that burden.

ORDER: The appeal is sustained.