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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship and Immigration Services

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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: **SEP 08 2010**

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Ethiopia, as the fiancé(e) of a United States citizen pursuant to § 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K).

The director denied the nonimmigrant visa petition because the record contains no evidence that the petitioner and the beneficiary personally met within the two-year period immediately preceding the filing of the petition or that the petitioner qualified for a waiver of that requirement. On appeal, the petitioner submits additional evidence.

A "fiancé(e)" is defined at Section 101(a)(15)(K) of the Act as:

Subject to subsections (d) and (p) of section 214, an alien who -

(i) is the fiancée or fiancé of a citizen of the United States . . . and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission.

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), states in pertinent part that a fiancé(e) petition:

[S]hall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 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 U.S. Citizenship and Immigration Services (USCIS) on August 31, 2009. Therefore, the petitioner and the beneficiary were required to have met in person between August 31, 2007 and August 31, 2009.

When he filed the petition, the petitioner responded "No" to question #18 on the I-129F Petition that asks whether he and the beneficiary had met in person within the two-year period immediately preceding the filing of the petition. The petitioner stated, in part, that he and the beneficiary grew up in the same neighborhood in Addis Ababa, Ethiopia, and that their families had known each other for a long time.

On November 25, 2009, the director issued a request for evidence (RFE), requesting that the petitioner submit: proof of his U.S. citizenship; evidence that he and the beneficiary personally met within the two-year period immediately preceding the filing of the petition or that he qualified for a waiver of that requirement; information that he omitted on the petition; two passport-style, color photographs of himself and the beneficiary; and a completed G-325A form for the beneficiary.

In his December 28, 2009 response to the director's RFE, the petitioner submitted a personal letter dated December 18, 2009, in which he stated, in part, that "[he and the beneficiary] couldn't meet in person because of cultural, religious and personal problem [the beneficiary] has with her employer in Kuwait." The petitioner stated further that the beneficiary was from a religious, Muslim family and thus was not allowed to meet him before their marriage. The petitioner also stated that the beneficiary signed a contract in 2005 to work in Kuwait and that "her contractor does not allow her to see no body even a family member." The petitioner also submitted the requested proof of U.S. citizenship, passport-style photographs, information omitted from the petition, and a completed G-325 form for the beneficiary.

The director denied the petition because the petitioner failed to establish that he and the beneficiary had met, as required under section 214(d)(1) of the Act, or that he qualified for an exemption from this meeting requirement, pursuant to 8 C.F.R. § 214.2(k)(2).

On appeal, the petitioner states, in part, that the beneficiary's family is Muslim, and that he and the beneficiary are forbidden under "Islamic rules and culture" to meet or see each other prior to their marriage. The petitioner also states that under the beneficiary's work contract with a Kuwaiti family, "she is not allowed to see or visit any one, except to go with the family whenever they are going for vacation or relaxation to service them." As supporting documentation, the petitioner submits: a personal letter dated May 4, 2010; a letter and translation dated April 20, 2010, from the Embassy of The Federal Democratic Republic of Ethiopia in Kuwait; an undated letter and translation from the beneficiary's employer, [REDACTED]; and Internet information regarding the abuse of Ethiopian maids in the Middle East.

The petitioner indicates that he and the beneficiary are seeking to marry according to Muslim tradition. None of the evidence, however, including the letter from the Embassy of The Federal

Democratic Republic of Ethiopia in Kuwait, establishes that compliance with the meeting requirement would violate strict and long-established customs of the foreign culture or social practice of the petitioner and the beneficiary. The letter indicates only that Islamic rules forbid the petitioner from living with the beneficiary before marriage.

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 violate strict and long-established customs of the foreign culture or social practice of the petitioner and the beneficiary. The AAO acknowledges the letter from the beneficiary's employer who states that the beneficiary has worked in his house from November 7, 2005 until March 11, 2009, "without any annual or monthly leave," and that the beneficiary is obliged "to be at [his] home all the day without going out." 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 or the beneficiary to travel to a specific country in order to comply with this meeting requirement. The record on appeal does not demonstrate that the petitioner explored options for traveling to Kuwait to meet with the beneficiary. It is also noted that the beneficiary's employer did not indicate that the petitioner was prohibited from visiting the beneficiary in his home. It is noted that the petitioner stated in his December 18, 2009 letter that the beneficiary signed a job contract in 2005 for work in Kuwait. The record, however, contains no copy of the beneficiary's work contract, detailing her leave agreement and/or other rules. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The AAO also acknowledges the Internet information regarding the abuse of Ethiopian maids in the Middle East. As discussed above, however, it is not clear that the petitioner was prohibited from visiting the beneficiary in Kuwait and/or that the beneficiary's work contract prohibited the petitioner from visiting her at her employer's home. 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 foreign culture or social practice of the petitioner and the beneficiary. Accordingly, the appeal is dismissed. The petition must be denied.

Beyond the decision of the director, the petitioner has not submitted the following: evidence of the termination of his prior marriage to [REDACTED] and original statements from himself and the beneficiary or other evidence that establishes their mutual intent to marry within 90 days of the beneficiary's entry into the United States in K-1 status. For these additional reasons, the petition may not be approved.

The denial of the petition is without prejudice. Should the petitioner wish to file a new I-129F Petition, he should ensure that he submits all of the required supporting documentation. If necessary, the petitioner should consult the instructions to the Form I-129F to understand the specific documents that he should file along with the petition. The petitioner may download the I-129F petition with the instructions from the USCIS website at www.uscis.gov, or he may call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 to have the form and the instructions mailed to his home.

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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 not met that burden.

ORDER: The appeal is dismissed. The petition is denied.