U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

(b)(6)

U.S. Citizenship and Immigration Services

Date: AUG 0 5 2013 Office: VERMONT SERVICE CENTER File:

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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center ("the director"), and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed. The petition will remain denied.

The petitioner is a native of Somalia and citizen of the United States who seeks to classify the beneficiary, a native and citizen of Somalia, 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 petition because the petitioner had failed to establish that he and the beneficiary met in person within the two years immediately preceding the filing of the petition or that meeting the beneficiary in person would violate strict and long-established customs of the beneficiary's foreign culture or social practice.

On appeal, the petitioner provides a statement.

Applicable Law

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:

> shall 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, except that the Secretary of Homeland Security in [her] discretion may waive the requirement that the parties have previously met in person. . . .

Pursuant to 8 C.F.R. § 214.2(k)(2):

> As a matter of discretion, the director may exempt the petitioner from this requirement only if it is established that compliance would result in extreme hardship to the petitioner or that compliance would violate strict and long-established customs of the K-1 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. Failure to establish that the petitioner and K-1 beneficiary have met within the required period or that compliance with the requirement

should be waived shall result in the denial of the petition. Such denial shall be without prejudice to the filing of a new petition once the petitioner and K-1 beneficiary have met in person.

Factual and Procedural History

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with U.S. Citizenship and Immigration Services (USCIS) on August 22, 2011. Therefore, the petitioner and beneficiary were required to have met between August 22, 2009 and August 22, 2011. On the Form I-129F, the petitioner indicated "no" to the question about whether he and the beneficiary had met in person within the two-year period preceding the filing of the petition. The petitioner submitted a statement on the Form I-129F, in which he explained that he and the beneficiary have met on the internet and that the engagement was arranged by their families.

On December 20, 2011, the director issued a request for evidence (RFE) demonstrating compliance with the meeting requirement or evidence that compliance would cause him extreme hardship, or would violate strict and long-established customs of the beneficiary's foreign culture or social practice. In response to the RFE, the petitioner submitted an affidavit from In his affidavit, Mr. stated that he is Muslim and a native of Somalia. He stated that he is very active in the Somali community and is considered as an elder. He stated that it is normal for the parties getting married not to meet beforehand and that meeting in person before marriage is not required.

On March 13, 2012, the director denied the petition, concluding that the petitioner did not establish that he and the beneficiary met in person within the two years immediately preceding the filing of the petition, or establish his eligibility for a waiver of that requirement.

Analysis

On appeal, the petitioner asserts that cultural barriers prevent him from seeing the beneficiary and that even if he could travel to where his fiancée is, he would not be able see her. In support of his assertions, he references the affidavit submitted by and does not submit additional evidence. The petitioner incorrectly states that, as explained by , it is impossible for the bride and bridegroom to see each other prior to marriage. However, Mr. in fact stated that it is normal within the Somali community for families to arrange marriages and that meeting beforehand was not required. He did not cite to any cultural or societal practices expressly prohibiting an in-person meeting prior to marriage.

Upon a full review of the evidence in the record, we find that the petitioner has not established that meeting the beneficiary in person within the requisite time period would violate strict and long-established customs of the beneficiary's foreign culture or social practice. The statements of the petitioner and Mr. are insufficient to establish his eligibility for a waiver of the in-person meeting requirement. The petitioner submitted no supporting documentation that traditional Somali cultural practices prohibit meeting his fiancée prior to marriage and his statement submitted on appeal was insufficient to overcome this deficiency.

On appeal, the petitioner also briefly asserts that he "cannot readily afford" the cost of traveling to Kenya to meet his fiancée, but he submits no evidence that meeting her would have caused him extreme hardship.

Conclusion

The statutorily required personal meeting between the petitioner and the beneficiary did not occur during the requisite time period and the petitioner has not demonstrated that he is eligible for a discretionary waiver of such a requirement. Consequently, the beneficiary may not benefit from the instant petition and it must remain denied. The appeal is, therefore, dismissed.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 214(d)(1) of the Act, 8 U.S.C. sec 1184(d)(1); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

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