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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



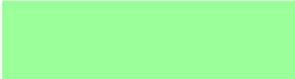
U.S. Citizenship
and Immigration
Services



Date: **AUG 09 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:

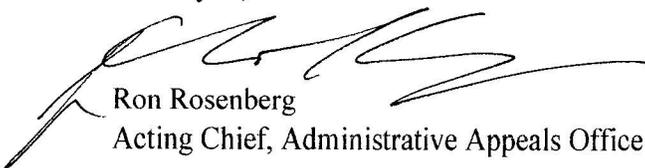
SELF-REPRESENTED

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 Syria and citizen of the United States who seeks to classify the beneficiary, a native and citizen of Syria, 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 and additional evidence.

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 parties 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 February 6, 2012. Therefore, the petitioner and beneficiary were required to have met between February 6, 2010 and February 6, 2012. On the Form I-129F, the petitioner indicated "yes" 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 are family members and meet every time that he visits Lebanon.

On August 2, 2012 the director issued a request for evidence (RFE) demonstrating compliance with the meeting requirement or evidence that compliance would cause the petitioner 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 airline travel itinerary for a September 24, 2012 trip to Lebanon, a letter from the beneficiary, and a page from the petitioner's United States passport with two entry stamps into the United States dated June 9, 2006 and November 4, 2008.

On October 18, 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 concedes that he did not submit evidence of meeting the petitioner in person during the requisite two-year period and asserts that he was unable to visit the beneficiary due to the unrest in the Middle East. He states that he communicates with the beneficiary through an internet video chat site and resubmits evidence that he travelled to Lebanon in September of 2012 despite the danger involved.

Upon a full review of the documentation in the record, we find that the petitioner has not established that meeting the beneficiary in person within the requisite time period would have caused him extreme hardship or violate strict and long-established customs of the beneficiary's foreign culture or social practice. The petitioner submitted no supporting documentation that it would be difficult for the beneficiary to obtain a visa to travel so that they could meet elsewhere. Additionally, while we take administrative notice of the current country conditions in Syria, the very brief statement of the petitioner on appeal citing to the dangers is insufficient to establish his eligibility for a waiver of the in-person meeting requirement. In addition, his 2012 trip to Lebanon where the beneficiary resides demonstrates his ability to travel to meet her.

Beyond the director's decision, the petitioner also failed to submit original statements from the petitioner and the beneficiary to establish their mutual intent to marry within 90 days of the beneficiary's admission into the United States in K-1 status.¹

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. Beyond the director's decision, the petitioner has not submitted all of the required evidence. Consequently, the beneficiary may not benefit from the instant petition and it must remain denied. The appeal is, therefore, dismissed. As stated at 8 C.F.R. § 214.2(k)(2), the denial of this petition is without prejudice to the filing of a new petition as the petitioner and the beneficiary have recently met in person.

In fiancé(e) 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.

¹ An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*. 345 F.3d 683 (9th Cir. 2003).