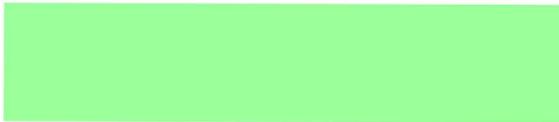


(b)(6)

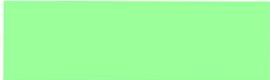
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



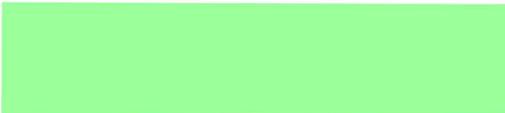
U.S. Citizenship  
and Immigration  
Services



Date: Office: CALIFORNIA SERVICE CENTER

FILE: 

**JUL 10 2013**

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:

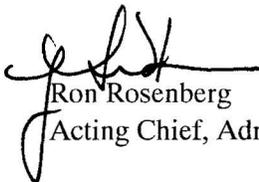
SELF-REPRESENTED

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

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

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Pakistan, as the fiancé 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 petitioner failed to establish that she and the beneficiary met in person during the two-year period immediately preceding the filing of the Petition for Alien Fiancé(e) (Form I-129F), or that she is exempt from such a requirement. On appeal, the petitioner submits evidence of having met the beneficiary in the United Arab Emirates in May 2013.

*Applicable Law*

Section 101(a)(15)(K) of the Act defines "fiancé(e)" as:

An alien who 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 entry. . . .

Section 214(d) of the Act, 8 U.S.C. § 1184(d), 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 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, except that the Secretary of Homeland Security in [her] discretion may waive the requirement that the parties have previously met in person. . . .

The statutory requirement of an in-person meeting between the petitioner and the beneficiary is further explained at 8 C.F.R. § 214.2(k)(2), which states:

The petitioner shall establish to the satisfaction of the director that the petitioner and K-1 beneficiary have met in person within the two years immediately preceding the filing of the petition. 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

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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 fiancé petition with U.S. Citizenship and Immigration Services (USCIS) on January 25, 2012. Therefore, the petitioner and the beneficiary were required to have met in person between January 25, 2010 and January 25, 2012. When she filed the petition, the petitioner stated that she had not met the beneficiary within the requisite period. The petitioner issued a statement in which she asserted that her engagement to the beneficiary had been arranged by their relatives and meeting in person prior to marriage is against their Islamic beliefs. In a June 18, 2012 Request for Evidence (RFE), the director informed the petitioner that she must either submit evidence of having met the beneficiary in person during the required time period or request a waiver of the meeting requirement. In response, the petitioner submitted: a letter from her parents, [REDACTED] and [REDACTED], a letter from two Islamic scholars, [REDACTED] and [REDACTED], and a letter from her father's physician, [REDACTED]. The petitioner's parents stated that the petitioner is unable to travel to Pakistan alone because of their cultural beliefs. They also stated that they are unable to accompany the petitioner to Pakistan because of the petitioner's father's medical conditions. [REDACTED] explained in her letter that the petitioner's father is unable to travel to Pakistan because he has end stage kidney disease and requires hemodialysis three times per week. The letter from [REDACTED] and [REDACTED] provided that Islamic scholars believe that it "is totally sin" for a woman and man to meet alone before marriage.

In denying the petition, the director determined that the petitioner failed to establish that she and the beneficiary met in person during the two-year period immediately preceding the filing of the petition, or that she is exempt from such a requirement. On appeal, the petitioner initially asserted that she will travel with her mother to Pakistan to meet the beneficiary. She subsequently submitted evidence of having met the beneficiary in the United Arab Emirates in May 2013. The petitioner provided the following documentation: copies of envelopes, airway bills and telephone records as evidence of her correspondence with the beneficiary; copies of arrival and departure stamps from her passport, her flight itinerary and airline boarding passes as evidence of her travel to the United Arab Emirates in May 2013; copies of arrival and departure stamps from the beneficiary's passport, his tourist visa and airline boarding passes as evidence of his travel to the United Arab Emirates in May 2013; hotel, restaurant and other receipts issued during the couple's May 2013 visit to the United Arab Emirates; and photographs of the petitioner with the beneficiary.

### *Analysis*

As stated at section 214(d)(1) of the Act, the relevant time period in which the personal meeting between the petitioner and the beneficiary must occur is within the two-year period before the filing date of the petition. Here, the couple met over one year after filing the petition. A petitioner must establish eligibility at the time of filing the nonimmigrant visa petition. A visa petition may not be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts.

*Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg. Comm. 1971). While the evidence of the couple's last meeting would be relevant to any new fiancé petition that the petitioner may file for the beneficiary in the future, it has no relevance as to whether the couple met during the period applicable to this petition, which was between January 25, 2010 and January 25, 2012.

The petitioner initially claimed that compliance with the meeting requirement would have violated strict and long-established customs of the beneficiary's foreign culture or social practice because meeting alone before marriage is against their Islamic religion. The petitioner also stated that she would be unable to travel to Pakistan with her parents because of her father's medical conditions. The petitioner, however, on appeal indicated that she was planning to travel with her mother to Pakistan to meet the beneficiary. She then provided evidence of having met the beneficiary in the United Arab Emirates in May 2013. The petitioner's evidence of having met the beneficiary in the United Arab Emirates demonstrates that meeting in a third country could have been a viable option for the couple during the requisite period. The petitioner has therefore failed to demonstrate that she would have suffered hardship or violated the beneficiary's cultural practices if they complied with the meeting requirement.

*Conclusion*

The statutorily required personal meeting between the petitioner and the beneficiary did not occur during the required time period and the petitioner is not exempt from such a requirement. 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 now that the petitioner and the beneficiary have met in person.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not met that burden.

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