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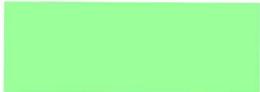


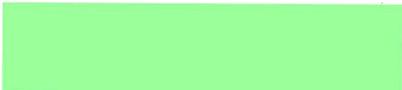
U.S. Citizenship
and Immigration
Services



Date: **JUN 29 2013**

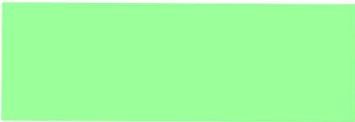
Office: CALIFORNIA SERVICE CENTER

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:

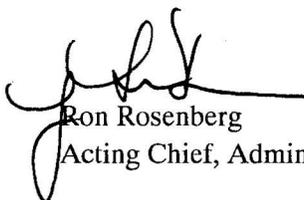


INSTRUCTIONS:

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 \$630. 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,


Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California 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 Ethiopia and 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 petition because the petitioner had failed to establish that she 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.

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

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.

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 May 30, 2012. Therefore, the petitioner and beneficiary were required to have met between May 30, 2010 and May 30, 2012. On the Form I-129F, the petitioner indicated "no" to the question about whether she 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 she explained that the beneficiary has been her boyfriend since she was 14 years old but that they have been separated since she came to the United States as a refugee.

On September 1, 2012, the director issued a request for evidence (RFE) demonstrating compliance with the meeting requirement or evidence that compliance would cause her 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 a personal affidavit and an affidavit from [REDACTED] the Vice Chairman of the [REDACTED]. In her affidavit, the petitioner stated that she has maintained contact with the beneficiary since she left Ethiopia in 2006 and that on one occasion, the beneficiary visited her while she resided in Kenya prior to coming to the United States. The petitioner stated that without a visa, the beneficiary is unable to travel to the United States to visit her and that as an [REDACTED] she would be risking her life if she returned to Ethiopia. [REDACTED] stated that as a political refugee, the petitioner cannot return to Ethiopia.

On January 22, 2013, the director denied the petition, concluding that the petitioner did not establish that she and the beneficiary met in person within the two years immediately preceding the filing of the petition, or establish her eligibility for a waiver of that requirement.

Analysis

On appeal, counsel asserts that both the petitioner and the beneficiary are devout, practicing Muslims of the [REDACTED] ethnic group. He states that the [REDACTED] are persecuted in Ethiopia and that it would be too dangerous for the petitioner to travel back to Ethiopia as an [REDACTED] woman. Counsel further argues that it would be a violation of the petitioner's and beneficiary's faith for the petitioner to visit the beneficiary unescorted. In support of these assertions, counsel submits a second personal affidavit from the petitioner and an affidavit from her father, [REDACTED]. In their affidavits, the petitioner and her father state that they are of the Muslim faith and that it would be inappropriate for an unwed man and woman to be together without a chaperone. They state that [REDACTED] is unable to act as a chaperone for the petitioner. [REDACTED] further states that they do not have other relatives who could travel with the petitioner to act as a chaperone.

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 violate strict and long-established customs of the beneficiary's foreign culture or social practice. While we take administrative notice of country conditions for the [REDACTED] in Ethiopia, the statements of the petitioner and her father are insufficient to establish her eligibility for a waiver of the in-person meeting requirement. The petitioner submitted no supporting documentation of the beneficiary's inability to leave Ethiopia. Further, the affidavits of the petitioner and her father state only that there is no member of the family who can travel with the petitioner but they do not provide any

explanation as to why meeting the beneficiary in a third country would be an extreme hardship. As noted in the record, the beneficiary visited and spent time with the petitioner in Kenya prior to the petitioner's arrival in the United States.

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 she 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 these proceedings, the petitioner bears the burden of proof to establish the beneficiary's eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Here, that burden has not been met.

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