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

[redacted]

Date: MAY 13 2013 Office: VERMONT SERVICE CENTER FILE: [redacted]

IN RE: Petitioner: [redacted]
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 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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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 Director, Vermont Service Center, 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 a citizen of Syria, 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 petition because the petitioner had failed to: (1) establish that she and the beneficiary met in person within the two years immediately preceding the filing of the petition; or (2) submit sufficient evidence that meeting the beneficiary in person would have been a hardship for her. 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 . . . . 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.

The regulation at 8 C.F.R. § 103.2(b)(8)(ii) states that if all required initial evidence is not submitted with the petition or does not demonstrate eligibility, U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, deny the petition for lack of initial evidence. The specific

requirements for filing a Petition for Alien Fiancé(e) (Form I-129F), including a description of the required initial evidence, may be found in the *Instructions* to the Form I-129F.

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 March 22, 2011. Therefore, the petitioner and beneficiary were required to have met between March 22, 2009 and March 21, 2011. 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 an addendum to the Form I-129F, in which she explained that she has not met the beneficiary because she is afraid to travel to Syria due to the unrest there.

On September 30, 2011, the director issued a request for evidence (RFE) to the petitioner, requesting her to provide additional evidence 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 an affidavit from her cousin, , text messages between her and the beneficiary, and two letters addressed to her from the beneficiary. In his affidavit, stated that the petitioner could not travel to Syria because she is a mother with a job she cannot leave and because the situation in Syria is too dangerous. Mr. further stated that the beneficiary is Muslim and it would be improper for the petitioner to travel to Syria to visit him. He did not further explain or provide probative information regarding any of the issues raised in his affidavit. The text messages and the letters from the beneficiary do not address the petitioner and beneficiary's inability to meet one another.

On December 12, 2011, 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 that meeting the beneficiary in person would have been a hardship for her.

Analysis

On appeal, the petitioner asserts that she could not meet with the beneficiary during the requisite period because she is a single mother and would have lost her job. She also reasserts that she is afraid to travel to Syria and that it is difficult for the beneficiary as a Syrian national, to travel to other countries. The petitioner did not submit additional evidence.

Upon a full review of the record, including the statement provided on appeal, we find no error in the director's decision to deny the petition. Initially, the petitioner stated that she could not visit the beneficiary during the requisite two-year period between March 22, 2009 and March 21, 2011 because although she had travelled extensively to other places such as France, Jamaica, and Senegal, she was afraid to travel to Syria due to the dangerous conditions there. On appeal, the petitioner adds that she is also afraid of losing her job and it is difficult for the beneficiary to obtain a visa to travel so that they could meet elsewhere. While we take administrative notice of the current country conditions in Syria, the statements of the petitioner and her cousin 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 Syria or of her inability to travel due to her employment or other personal circumstances such that meeting the beneficiary in a third country would be an extreme hardship.

While the petitioner's cousin asserted that the beneficiary's family would not accept the petitioner visiting him in Syria as a single woman due to their religion, neither he nor the petitioner further explained this obstacle and the petitioner submitted no other evidence that meeting the beneficiary in person would violate strict and long-established customs of the beneficiary's culture or social practice.

Conclusion

The statutorily required personal meeting between the petitioner and the beneficiary during the two-year time period has not occurred 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. 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.

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.