



U.S. Citizenship
and Immigration
Services

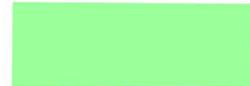
(b)(6)



Date:

JUL 31 2014

Office: TEXAS SERVICE CENTER FILE:



IN RE:

Petitioner:

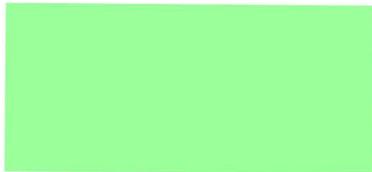
Beneficiary:



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 (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
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas 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 fiancée 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 met the beneficiary in person during the two-year period immediately before the filing of the petition or demonstrate that she is eligible for a waiver of the meeting requirement.

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. . . .

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

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 does not define what may constitute extreme hardship to the petitioner. Therefore, each claim of extreme hardship must be judged on a case-by-case basis taking into account the totality of the petitioner's circumstances. Generally, a director looks at whether the petitioner can demonstrate the existence of circumstances that are (1) not within the power of the petitioner to control or change, and (2) likely to last for a considerable duration or the duration cannot be determined with any degree of certainty.

Factual and Procedural History

The petitioner filed the fiancé(e) petition with U.S. Citizenship and Immigration Services on July 29, 2013. Therefore, the petitioner and the beneficiary were required to have met in person between July 29, 2011 and July 29, 2013. In the July 21, 2013 letter accompanying the petition, the petitioner stated that she and the beneficiary have corresponded through Facebook for two years and would like to meet, but their Islamic religion prohibits a man and woman from meeting before marriage.

The director issued a Request of Evidence (RFE) of, among other things, the personal meeting between the petitioner and the beneficiary. The director stated that if the petitioner and the beneficiary have not met during the two-year period, the petitioner must submit evidence that the personal meeting would have been an extreme hardship to the petitioner or would have violated the beneficiary's strict and long-established customs, foreign culture, or social practice. In response to the director's request, the petitioner submitted a statement from herself, a letter from an [REDACTED] and a page from an unidentified source entitled '[REDACTED]'. In denying the petition, the director stated that the petitioner failed to provide evidence of having met the beneficiary within the requisite period.

On appeal, counsel asserts that the petitioner's response to the RFE included an [REDACTED] letter which stated that for religious reasons the petitioner and beneficiary cannot meet in person before marriage.

Analysis

The petitioner and the beneficiary are required to meet in person within the two-year period before the filing date of the petition or submit evidence showing that the personal meeting would have been an extreme hardship to the petitioner or would have violated the beneficiary's strict and long-established customs, foreign culture, or social practice. Section 214(d)(1) of the Act. In this case, the petitioner asserted that complying with the meeting requirement would have violated the beneficiary's Islamic religion, and to support her assertion she submits the page entitled '[REDACTED]' and a letter from an [REDACTED]

Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)). The page, [REDACTED] provides information about social customs in Muslim marriages; however, the petitioner has not identified the source of the information. The letter, dated October 27, 2013, from

the [REDACTED] briefly stated that the petitioner intends to marry the beneficiary and that “isolated physical contacts between unmarried couples violates the tenets of Islaam until they are joined together in a simple solemn marital ritual.” The [REDACTED] however, does not state that the petitioner is prohibited from having an in-person meeting with her fiancé in the presence of family, and provides no evidence to corroborate his assertions. The petitioner has also not established that any and all other aspects of the traditional arrangements have been or will be met in accordance with the Muslim customs or practices, as required by 8 C.F.R. § 214.2(k)(2). The petitioner indicated in her undated letter that she would not travel to Pakistan because it is not possible for a woman to travel alone, but she does not describe the extreme hardship she would experience traveling to Pakistan. The petitioner has not demonstrated that meeting in a third country would have caused extreme hardship to her. Section 214(d)(1) of the Act does not require any specific location for the personal meeting, only that it take place within the two-year period before the petition is filed.

Conclusion

The burden of proof in fiancé(e) visa petition proceedings rests solely with the petitioner. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met. The dismissal of this appeal is without prejudice to the filing of a new Form I-129F petition on the beneficiary's behalf within two years of that meeting.

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