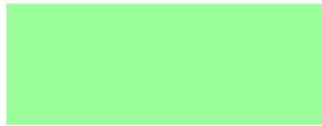


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U.S. Citizenship
and Immigration
Services

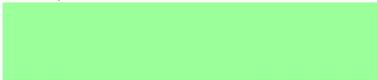


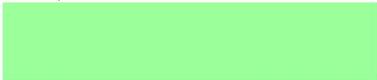
Date: **OCT 06 2014**

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:

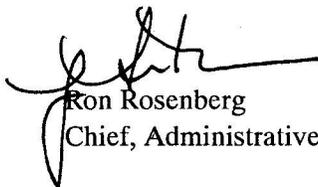
SELF-REPRESENTED

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
Chief, Administrative Appeals Office

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 Armenia, as the fiancée of a United States citizen pursuant to section 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 he met the beneficiary in person during the two-year period before he filed the Petition for Alien Fiancé(e) (Form I-129F). On appeal, the petitioner submits a statement and evidence of his trips to Armenia in 2010 and 2014.

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 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 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 fiancé(e) petition with USCIS on December 18, 2013 without sufficient supporting evidence. For this reason, the director issued a request for additional evidence and, in response, the petitioner submitted additional documentary evidence including a letter from the beneficiary, copies of pages from his passport, boarding passes and itineraries, phone records and photographs.

The director denied the petition finding that the petitioner had failed to submit evidence to establish that the he and the beneficiary had met during the two-year period immediately preceding the filing of the petition as required under section 241(d) of the Act, or that meeting the beneficiary in person would violate strict and long-established customs of the beneficiary's foreign culture or social practice or cause extreme hardship to the petitioner.

On appeal, the petitioner submits a statement explaining that he first met the beneficiary when they were children. He states further that he met the beneficiary again in 2010 when he was visiting Armenia for a relative's baptism. He returned to Armenia in January 2014, at which time he got engaged to the beneficiary.

Analysis

The petitioner has not submitted probative evidence that he and the beneficiary met in person between December 18, 2011 and December 18, 2013, which is the two-year period immediately preceding the filing of the petition, or evidence that the petitioner merits a favorable exercise of discretion to exempt him from such requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2).

On appeal, the petitioner states that he has previously met the beneficiary on three occasions: when they were children; in 2010; and, most recently, in January 2014. He does not claim, nor does the record support a finding, that meeting the beneficiary within the two-year period between December 18, 2011 and December 18, 2013 would result in extreme hardship or would violate strict and long-established customs of the beneficiary's foreign culture or social practice.

The evidence of the couple's meeting in January 2014 would be relevant to a new fiancé(e) petition that the petitioner may file for the beneficiary in the future, but it has no relevance to whether the couple met during the period applicable to this petition. The couple's meeting in 2010 also falls outside the required two-year period immediately preceding the filing of the petition.

Conclusion

The appeal will be dismissed for the above stated reasons. In fiancé(e) visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met. 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.

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