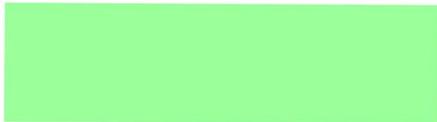


(b)(6)



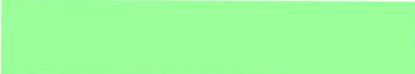
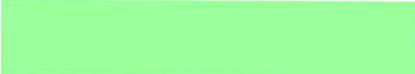
U.S. Citizenship
and Immigration
Services



Date: JAN 13 2015

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

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

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 states, in part:

The petition . . . shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties . . . have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States . . .

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.

Facts and Procedural History

The petitioner filed the fiancé(e) petition with USCIS on May 12, 2014. Thus, the petitioner and the beneficiary were required to have met between May 12, 2012 and May 12, 2014. On June 20, 2014, the director issued a request for evidence (RFE) requesting that the petitioner submit photos, a statement of intent to marry from the beneficiary, and evidence that the petitioner and the beneficiary met within two years immediately preceding the filing of the petition. Upon review of the evidence submitted in response, the director found that the petitioner did not submit evidence that she personally met the beneficiary within two years preceding the filing of the petition, or evidence that such a meeting would result in extreme hardship to her or would violate strict and long established customs of the beneficiary's foreign culture or social practice.

On appeal, the petitioner submits a statement from the beneficiary indicating that he is Muslim, and that the Quran and Hadith prohibit a meeting of the beneficiary and the petitioner before they marry to preserve their purity.

The petitioner also submits a non-certified translation of [REDACTED] issued by [REDACTED] dated January 21, 2013 addressing the subject of a pre-marriage meeting between a man and a woman. The [REDACTED] says different things depending on whether permission has been obtained and whether the couple is engaged, but most of the statements indicate that a glance before marriage is allowed, "if needed"; if "within the limits of the [REDACTED]"; if permission has been obtained and before proposing for marriage. One of the quotes states that seeing each other before marriage is required, as "it leads to love between them."

Analysis

We review the evidence *de novo*.

The evidence submitted by the petitioner does not demonstrate a prohibition against the petitioner and the beneficiary from meeting prior to their marriage, and one of quotes encourages at least one meeting. Nor has the petitioner provided any cultural context for the marriage demonstrating that any of the traditional requirements might apply to this marriage. The petitioner does not indicate that the marriage was traditionally arranged, or what customs apply to a marriage between a single Muslim male and a non-Muslim divorced female. Thus, the record does not establish that a personal meeting would violate strict and long established custom of the beneficiary as required by 8 C.F.R. § 214.2(k)(2). 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, 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.

Further, the [REDACTED] is not accompanied by a certified translation as required by the regulation at 8 C.F.R. § 103.2(b)(3), which provides that documents in a foreign language must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. Because the petitioner failed to submit a certified translation of the [REDACTED], we cannot determine whether the evidence supports the petitioner's claims.

Beyond the decision of the director, the record does not establish that the petitioner is free to marry. The petitioner's G-325A biographic information sheet indicates that she was divorced from [REDACTED] on January 10, 2008. Other documents of record, however, indicate that the petitioner filed for divorce on July 31, 2012, and do not establish that a divorce was finalized. Thus, the petitioner was not free to marry as of the date of filing the petition, and is ineligible for the visa. For this additional reason, the petition may not be approved.¹

Conclusion

The petitioner has not established that she met the beneficiary within the two years immediately preceding the filing of the petition, or that a meeting with the beneficiary would violate a strict and long established custom of the beneficiary; and that at the time of filing the petition she would have been able to conclude a valid marriage in the United States with the beneficiary. As such, the director's decision to deny the petition shall not be disturbed.

The burden of proof in these 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, the petitioner has not met that burden.

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

¹ An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the service center does not identify all of the grounds for denial in the initial decision. See *Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*, 345 F.3d 683 (9th Cir. 2003).