



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[Redacted]

DATE:

**JUL 15 2015**

FILE #:

[Redacted]

PETITION RECEIPT #:

[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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to 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 the Philippines, as the fiancée of a U.S. 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 submit the required Biographic Information (Form G-325A) for the beneficiary, to provide evidence of the beneficiary's intent to marry the petitioner within 90 days of arrival, and to establish that she met the beneficiary in person during the two-year period before she filed the Petition for Alien Fiancée (Form I-129F).

On appeal, the petitioner submits additional evidence including, but not limited to, proof of money sent by the petitioner to the beneficiary; identification documents for the petitioner and beneficiary; letters exchanged between the petitioner and beneficiary; copies of prepaid phone cards, telephone bills and payments; photographs; letters from the petitioner and beneficiary; the requisite Forms G-325A for the petitioner and beneficiary; and travel documentation. The entire record was reviewed and considered in rendering this decision.

*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 his 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 Form I-129F on May 2, 2014 without sufficient evidence. For this reason, the director subsequently issued a notice of intent to deny requesting additional evidence of, among other things, the U.S. citizenship of the petitioner, the requisite Forms G-325A, passport photographs, the beneficiary's intent to marry the petitioner, and the personal meeting between the petitioner and the beneficiary during the two years immediately preceding the filing of the Form I-129F. The director also stated that if the petitioner and the beneficiary have not met during the two-year period preceding the date the petitioner filed Form I-129F, the petitioner must submit evidence to show that meeting would cause an extreme hardship to her or would violate the beneficiary's strict and long-established customs, foreign culture, or social practice. In response to the director's request, the petitioner submitted a copy of her naturalization certificate, passport photographs for the petitioner and beneficiary, Form G-325A for the petitioner, a letter from the petitioner, copies of pages from the petitioner's passports, travel itineraries for an unnamed passenger, and photographs.

In denying the Form I-129F, the director stated that the petitioner failed to submit the required Form G-325A for the beneficiary, to provide evidence of the beneficiary's intent to marry the petitioner within 90 days of arrival, and to establish that she met the beneficiary in person during the two-year period before she filed Form I-129F.

On appeal, the petitioner provides the requisite Form G-325A for the beneficiary and submits letters from the beneficiary and herself that express their intentions of marrying each other upon arrival. However, the petitioner does not provide any additional evidence to indicate that she and the beneficiary satisfied the meeting requirement or that she is eligible for a waiver from such requirement.

### Analysis

Although the petitioner satisfied the requirement to submit the Form G-325A of the beneficiary and evidence that she and the beneficiary intend to marry upon arrival on appeal, the petitioner did not submit probative evidence that she and the beneficiary met in person between May 2, 2012 and May 2, 2014, 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 her from such requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). The evidence in the record reflects that the beneficiary and the petitioner most recently met in person in July and August of 2002. The petitioner, in a letter she provided on appeal, admits that she has not seen the beneficiary for 12 years because the beneficiary had the opportunity to work in Dubai and they sacrificed seeing each other to save money for their future. As such, the evidence in the record supports that the beneficiary and petitioner have previously met, but their meeting fell outside the two-year period preceding the filing of the petition.

Pursuant to 8 C.F.R. § 214.2(k)(2), the petitioner may be exempted from the requirement for a meeting with the beneficiary 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.

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.

The petitioner indicates that she and the beneficiary "sacrifice [their] long distance relationship to save money for the future." Aside from this statement, the record contains proof of remittances sent by the petitioner to the beneficiary and proof of expenses related to speaking with each other on the phone. However, no other evidence regarding the financial situation of the petitioner, such as her income, savings or other expenses, was provided. Moreover, as previously noted, the petitioner and the beneficiary have already met. Thus, any claim suggesting the couple's inability to meet within the required period was due to a financial hardship has limited merit. The petitioner, therefore, has not shown that she should be exempted from the in-person meeting requirement on account of the extreme hardship that requirement would cause her.

The petitioner has not submitted probative evidence that she and the beneficiary met in person between May 2, 2012 and May 2, 2014, which is the two-year period immediately preceding the filing of the petition, or evidence that she merits a favorable exercise of discretion to exempt her from such requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). Taking into account the totality of the circumstances as the petitioner has presented them, we do not find that compliance with the meeting requirement would result in extreme hardship to the petitioner or would violate strict and long-established customs of the foreign culture or social practice of the petitioner and the beneficiary. Accordingly, the appeal is dismissed. The petition must be denied.

### *Conclusion*

The appeal will be dismissed for the above stated reasons. In fiancée visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. 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. 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.