



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[Redacted]

Date: JUL 23 2015

FILE: [Redacted]  
PETITION RECEIPT: [Redacted]

IN RE:                      Petitioner: [Redacted]  
                                 Beneficiary: [Redacted]

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:  
[Redacted]

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

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

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 sustained.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Syria, as the fiancé of a U.S. 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, finding that the petitioner did not establish that she met the beneficiary in person during the two-year period before she filed the Form I-129F, Petition for Alien Fiancé (Form I-129F) or that she would have experienced extreme hardship if she had complied with the meeting requirement. On appeal, the petitioner, through counsel, asserts that the director failed to consider the evidence in the record that demonstrates her entitlement to a waiver of the two-year 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 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 instant Form I-129F on January 31, 2014. The director issued a request for additional evidence on July 30, 2014, and, in response, the petitioner submitted additional documentary evidence to establish that travel to Syria in the two-year period prior to filing the instant petition would

have resulted in extreme hardship to her due to an ongoing civil war in that country. She also provided evidence to show that traveling to a third country also would have caused her and the beneficiary extreme hardship.

The director denied the petition, finding that the petitioner had not submitted sufficient evidence to establish that she 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 result in extreme hardship to the petitioner.

On appeal, the petitioner, through counsel, submits a brief, asserting that the director did not consider the evidence in the record, which demonstrates her extreme hardship if she were to comply with the two-year meeting requirement. In addition, the petitioner asserts that “persuasive decisions” of the AAO support waiving the two-year meeting requirement.<sup>1</sup>

### *Analysis*

The petitioner has established that compliance with the requirement that she and the beneficiary meet in person between January 31, 2012 and January 31, 2014, would have resulted in extreme hardship. The petitioner is a U.S. citizen and an Orthodox Christian. The beneficiary is a church deacon. She submits reports discussing how Christians have been persecuted in Syria since the civil war began. Moreover, the petitioner submits a travel warning from May 2014 by the U.S. State Department that warns U.S. citizens against travel to Syria, because the security situation remains volatile and unpredictable. The report states, in part,

U.S. citizens are experiencing difficult and facing dangers traveling within the country and when trying to leave Syria via land borders, given the diminishing availability of commercial air travel out of Syria as fierce clashes between pro-government and opposition forces continue in the vicinity of the [REDACTED] and [REDACTED] airports. Land border checkpoints held by opposition forces should not be considered safe.” An updated warning reiterates that “no part of Syria should be considered safe from violence.”<sup>2</sup>

Likewise, the petitioner has shown that it would have been an extreme hardship to meet in a third country, because travel within Syria is dangerous; she explains that to reach the border and ultimately a third country, the beneficiary would have had to travel within Syria, and she also could have faced significant difficulties given the political and social conditions in nearby countries. The petitioner also provides evidence showing that Syrian borders have frequently been closed or controlled by extremists. The petitioner has provided sufficient evidence showing that traveling to a third country, particularly

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<sup>1</sup> While 8 C.F.R. § 103.3(c) provides that AAO precedent decisions are binding on all USCIS employees in the administration of the Act, unpublished decisions are not similarly binding.

<sup>2</sup> U.S. Department of State, *Syria Travel Warning*, dated March 3, 2015, available at <http://travel.state.gov/content/passports/english/alertswarnings/syria-travel-warning.html>.

one the beneficiary could reach from Syria, could be very dangerous and would have resulted in extreme hardship.

The petitioner therefore merits a favorable exercise of discretion to exempt her from the meeting requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2).

*Conclusion*

The appeal will be sustained for the above stated reasons. In fiancé 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 been met.

**ORDER:** The appeal is sustained.