



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF A-B-K-

DATE: APR. 25, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129F, PETITION FOR ALIEN FIANCÉ(E)

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as his fiancée. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). A U.S. citizen may petition to bring a fiancé(e) (and that person's children) to the United States in K nonimmigrant visa status for marriage. The U.S. citizen must establish that the parties have previously met in person within two 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 90 days of admission.

The Director, California Service Center, denied the petition. The Director concluded that the Petitioner did not establish that he and the Beneficiary personally met within the two-year period immediately preceding the filing of the petition or that the Petitioner would experience extreme hardship if he were to comply with the personal meeting requirement. The Director also found that the Petitioner had not asserted that meeting in person would violate strict customs of the Beneficiary's foreign culture.

The matter is now before us on appeal. With the appeal, the Petitioner submits additional evidence regarding his relationship with the Beneficiary.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

The Petitioner is seeking to classify the Beneficiary as his fiancée.

Subject to subsections (d) and (p) of section 214 of the Act, section 101(a)(15)(K)(i) of the Act provides nonimmigrant classification for an alien who "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

II. ANALYSIS

The issue is whether the Petitioner has shown that he met the Beneficiary in person between February 20, 2014, and February 20, 2016, which is the two-year period before he filed the Form I-129F petition. The Director denied the petition because, although the Petitioner was requested to submit evidence that he and the Beneficiary met during the two-year period before filing the petition, documentation to show that such a meeting would violate strict and long-established customs of the Beneficiary's foreign culture or social practices, or documentation to establish that an in-person meeting would cause him extreme hardship, the Petitioner did not submit the requested evidence. On appeal, the Petitioner submits statements from himself and the Beneficiary, explaining that they have known each other since childhood and describing their commitment to each other. The evidence does not establish that the Petitioner and the Beneficiary met during the two years preceding the filing of the petition.

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 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 Petitioner does not request an exemption from the in-person meeting requirement. He does not claim hardship and does not submit evidence to assert that extreme hardship prevented an in-person meeting with the Beneficiary during the two-year period immediately preceding the filing of the petition. Also, the Petitioner does not submit documentation to establish that meeting the Beneficiary in person would violate strict and long-established customs of her culture or social practices.

The Petitioner states in his letter submitted on appeal that before he left for the United States, the Beneficiary visited him in Syria; however, he provides no dates concerning her visit, to show when it occurred.¹ Although he states that he talks to the Beneficiary daily and they have planned their wedding, this information does not satisfy the regulatory requirement of having met in person within the two-year period before he filed his petition.

The evidence the Petitioner provides does not meet the requirements specified under section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2) for an exemption from the meeting requirement. We therefore find that the Petitioner has not established that he merits a favorable exercise of discretion to exempt him from the two year in-person meeting requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). As further stated at 8 C.F.R. § 214.2(k)(2), the denial of this petition for failure to meet the two year in-person meeting requirement is without prejudice to the filing of a new petition once the Petitioner and the Beneficiary have met in person.

III. CONCLUSION

It is the Petitioner's burden to establish eligibility for the benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not met that burden. Accordingly, we dismiss the appeal.

ORDER: The appeal is dismissed.

Cite as *Matter of A-B-K*, ID# 16015 (AAO Apr. 25, 2016)

¹ The Petitioner's Form G-325A, Biographic Information, indicates that he has been residing in the United States since 2009.