



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

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

MATTER OF A-F-N-

DATE: JAN. 4, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a citizen of the United States, seeks to classify the Beneficiary as a fiancée of a United States citizen. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). The Director, California Service Center, denied the petition. The matter is now before us on appeal. The appeal will be dismissed.

On January 27, 2015, the Director denied the Form I-129F, Petition for Alien Fiancé(e), because the Petitioner did not establish that he met the Beneficiary in person during the 2 year period before he filed the petition, or show that a meeting would violate strict and long-established customs of culture or practice, or submit documentation establishing that a meeting would result in extreme hardship to the Petitioner. On appeal, the Petitioner submits a letter.

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. . . .

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 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.

The Petitioner filed the Form I-129F with USCIS on August 18, 2014, but did not include statements of intent to marry from the Petitioner and Beneficiary or evidence of a meeting in the preceding 2 years. For this reason, the Director issued a request for additional evidence. In response, the Petitioner submitted letters of intent to marry from the Petitioner and Beneficiary and asserted that he has not met the Beneficiary because they will have an arranged marriage, per Afghan custom.

On January 27, 2014, the Director denied the petition, finding that the Petitioner did not submit evidence to establish that he met the Beneficiary during the two-year period immediately preceding the filing of the petition as required under section 241(d) of the Act, or evidence that the Petitioner was complying with traditional arrangements in accordance with Afghan customs and practice. On appeal, the Petitioner explains that it is Afghani tradition and custom for a man to have his marriage arranged and to meet his fiancée only after the marriage terms have been arranged. The Petitioner contends that his family negotiated the terms during a *khashtegari*, a rite to request the woman's hand in marriage, and he would meet his fiancée during a *nikah*, during which both he and the Beneficiary would sign documents before a *mullah*. The Petitioner asserts that he intended to meet his fiancée at a *nikah* in Pakistan in July 2014, but was unable to because his new employer rejected his request for a week of leave. The Petitioner states that, as a result of his inability to visit Pakistan, he intends to both meet his fiancée and perform the *nikah* in the United States.

The Petitioner has not submitted sufficient probative evidence that he and the Beneficiary met in person between August 18, 2012, and August 18, 2014, which is the 2 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 the regulation at 8 C.F.R. § 214.2(k)(2).

The record does not contain sufficient supporting documentation, such as background information, indicating that the Petitioner, in accordance with Afghan customs and practice, would have been disallowed to meet with the Beneficiary prior to a *nikah*, even if accompanied by other individuals. The

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record also does not contain supporting documentation, such as letters from relevant family members or other documentation of the terms between the families prior to agreement, which would establish that all other traditional Afghan arrangements have been or will be met.

The Petitioner asserts that his employment in a new company prevented him from receiving the work leave necessary to meet his fiancée in Pakistan in July 2014. The record contains a Form G-325A, Biographic Information, from the Petitioner indicating that he started as a branch manager with [REDACTED] in June 2014. However, as the Petitioner has not sufficiently demonstrated that he warrants an exemption from the requirements of 214(d)(1) of the Act, in accordance with 8 C.F.R. § 214(2)(k)(2), this assertion of financial hardship is also not sufficient to demonstrate an extreme hardship exemption in accordance with this regulation. Specifically, as the Petitioner has not established that he merits an exemption based on strict and longstanding customs under 8 C.F.R. § 214(2)(k)(2), he has also not established that he would have been unable to meet with the Beneficiary between August 18, 2012, and June 2014, prior to his current employment. Accordingly, the Petitioner has not submitted sufficient probative evidence to demonstrate that he merits a favorable exercise of discretion to exempt him from the requirements of section 214(d)(1) of the Act.

The appeal will be dismissed for the above stated reasons. In Form I-129F 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). 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.

Cite as *Matter of A-F-N-*, ID# 14215 (AAO Jan. 4, 2016)