



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

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

MATTER OF G-R-

DATE: JAN. 19, 2016

APPEAL OF TEXAS 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 fiancé(e) 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, Texas Service Center, denied the nonimmigrant visa petition. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the Petitioner failed to submit required initial evidence, including evidence that the Petitioner had met the Beneficiary in the two years preceding the filing of the petition. On appeal, the Petitioner asserts that the Director's decision was incorrect, stating that the petition should not be denied due to lack of hardship evidence because the Director did not previously request it, and states that the record contained sufficient evidence to demonstrate that the Petitioner would experience extreme hardship if he had to travel to Vietnam to meet the Beneficiary.

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. . . .

(b)(6)

Matter of G-R-

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 if the petition 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 Petition for Alien Fiancé(e), including a description of the required initial evidence, may be found in the Instructions to the Form I-129F.

The Petitioner previously had an approved Form I-129F for his fiancée, dated April 12, 2011. However, the U.S. State Department denied the Beneficiary's visa based on a finding that the relationship was solely for immigration purposes. The file was administratively closed by USCIS. The Petitioner filed this fiancé(e) petition with USCIS on May 14, 2014, without sufficient supporting evidence. For this reason, the Director issued a request for additional evidence of the Petitioner and Beneficiary having met. In response, the Petitioner submitted an additional statement indicating that he had not met the Beneficiary within the two years preceding the filing of this petition, but that travelling to Vietnam to see the Beneficiary again would constitute a physical and financial hardship.

The Director denied the petition, finding that the Petitioner had failed to submit evidence to establish that he and the Beneficiary had met as required under section 214(d) of the Act. On appeal, the Petitioner provides a statement and asserts that the materials submitted into the record establish it would constitute an extreme hardship for the Petitioner to travel to Vietnam.

Pursuant to 8 C.F.R. § 214.2(k)(2), a 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 Petitioner states that he and the Beneficiary did not meet in person between May 14, 2012, and May 14, 2014, which is the two-year period immediately preceding the filing of the petition. He asserts that it would constitute an extreme hardship to travel to Vietnam to meet the Beneficiary again because it would be personally dangerous for him and because he could not afford to travel there again. The record contains background articles on the persecution of ██████████ in Vietnam, as well as other documentation discussing the human rights and political situation in Vietnam. The record also contains copies of the Petitioner's tax record for the period between 2009 and 2013.

An examination of the evidence indicates that, while there are certain socio-political conditions which exist in Vietnam, there is nothing which establishes that the Petitioner would be at particular risk. While the Petitioner asserts he fled Vietnam as a refugee and naturalized in 2009, there is insufficient evidence to support this assertion. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)). Further, the fact that the Petitioner previously travelled to Vietnam in 2010 also undermines the claim that he would be in danger if he visited the Beneficiary.

Although the Petitioner asserts that it would constitute extreme hardship for him to travel to Vietnam due to fears for his safety and financial reasons, the record contains evidence that the Petitioner travelled to Vietnam in September 2010 to meet his fiancée, and there is no indication that he was harmed or mistreated during this visit. Further, tax records submitted do not indicate any great variance in his income since 2010, and thus it is not clear why the Petitioner was unable to afford to travel to Vietnam during the two-year period before he filed the current petition in 2014.

The record does not establish that the Petitioner and Beneficiary met within the two years preceding the filing of the petition. Nor does the record establish that it would constitute an extreme hardship for the Petitioner and Beneficiary to arrange a meeting, either in Vietnam or in some other country.

In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of G-R-*, ID# 15033 (AAO Jan. 19, 2016)