



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

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

MATTER OF A-S-H-

DATE: JULY 5, 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, concluding that the Petitioner had not established that he complied with the in-person meeting requirement or that it should be waived.

The matter is now before us on appeal. In the appeal, the Petitioner submits additional evidence and states that due to the Beneficiary's cultural traditions and social practices he could not comply with the in-person meeting requirement.

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 that a fiancé(e) petition can be approved only if the petitioner establishes 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 a period of ninety days after the alien's arrival. It also provides discretionary authority to waive the requirement that the parties have previously met in person.

II. ANALYSIS

The issue on appeal is whether the Petitioner demonstrated that compliance with the in-person meeting requirement would violate the Beneficiary's cultural traditions or social practices. With the appeal, the Petitioner submits statements from himself, the Beneficiary's father, and elders of her village and printouts of an online chat about Pashtun cultural traditions.

The statutory requirement of an in-person meeting between a petitioner and a beneficiary is further explained at 8 C.F.R. § 214.2(k)(2), which states that as a matter of discretion, we may exempt a petitioner from the 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 beneficiary's foreign culture or social practice. The regulation also provides that denial of the petition for this reason is without prejudice to the filing of a new petition once the petitioner and beneficiary have met in person.

The Petitioner and Beneficiary were required to meet in person between June 30, 2013 and June 30, 2015. The Petitioner asserts that they could not meet during this period because the Beneficiary's cultural traditions prohibit a man and woman who are unmarried from meeting before marriage, regardless of where they meet or whether they are engaged. Yet, the Petitioner had previously stated that in 2012, he and the Beneficiary had met at the engagement party of his brother and her sister, and he was a guest at the Beneficiary's home. Although the elders of the Beneficiary's village maintain that the Petitioner and Beneficiary are prohibited from meeting before they are married, they do not specify if all meetings are prohibited, including those with family members present. Furthermore, the record establishes that the Petitioner and Beneficiary had in fact already met before they were married. The printouts of an online Pashtun Forums chat discuss restrictions before marriage, but the chat is not authoritative and relates to individual experiences based on family preferences.

The evidence provided by the Petitioner 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. The evidence does not establish that compliance with the regulatory requirement would result in extreme hardship to the Petitioner or that compliance would violate strict and long-established customs of the Beneficiary's foreign culture, social culture, or religious practice.

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. He has not established that he complied with the in-person meeting requirement or that it should be waived.

ORDER: The appeal is dismissed.

Cite as *Matter of A-S-H-*, ID# 16435 (AAO July 5, 2016)