



U.S. Citizenship
and Immigration
Services

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FILE:



EAC 05 180 50843

Office: VERMONT SERVICE CENTER

Date:

APR 13 2006

IN RE:

Petitioner:



Beneficiary:

PETITION: Petition for Alien Fiancé(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Pakistan, as the fiancée of a United States 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 petition after determining that the petitioner and beneficiary had not personally met within the two-year period preceding the filing of the petition, as required by section 214(d) of the Act. Further, the director found that the petitioner had failed to establish that meeting as required would have constituted an extreme hardship for him or would have violated strict and long-established customs of the beneficiary's foreign culture or social practice. *Decision of the Director*, dated July 20, 2005.

Section 101(a)(15)(K) of the Act, 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who:

- (i) is the fiancé(e) of a U.S. citizen and who seeks to enter the United States solely to conclude a valid marriage with that citizen within 90 days after admission;
- (ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or
- (iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), 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 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. . . .

Pursuant to 8 C.F.R. § 214.2(k)(2), the petitioner may be exempted from this requirement for a meeting 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.

As the regulation does not define what may constitute extreme hardship to the petitioner, each claim of extreme hardship must be judged on a case-by-case basis taking into account the totality of the petitioner's circumstances. Generally, a director looks at whether the petitioner can demonstrate the existence of circumstances that are (1) not within the power of the petitioner to control or change, and (2) likely to last for a considerable duration or the duration cannot be determined with any degree of certainty.

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with Citizenship and Immigration Services (CIS) on June 8, 2005. Therefore, the petitioner and the beneficiary were required to have met during the period that began on June 8, 2003 and ended on June 8, 2005.

At the time of filing, the petitioner indicated that he and the beneficiary had not previously met, stating that his employment and other obligations prevented him from traveling to meet the beneficiary. Therefore, the evidence of record does not establish that the beneficiary has complied with the meeting requirement of section 214(d) of the Act.

On appeal, the petitioner states that his travel to Pakistan to meet the beneficiary was precluded by religious and cultural norms, that he is forbidden from meeting the beneficiary in person prior to their marriage even on the occasion of their engagement. He indicates that his mother traveled to Pakistan to make the arrangements for his engagement to the beneficiary and submits evidence of her travel.

Based on the evidence of record, the petitioner has not established eligibility for an exemption of the meeting requirement under either of the two grounds set forth at 8 C.F.R. § 214.2(k)(2) – compliance would result in extreme hardship to him or would violate customs of the beneficiary's culture or social practice.

The petitioner has stated both that employment obligations, as well as his religion and culture, prevented his compliance with the meeting requirement of section 214(d) of the Act. However, the balancing of personal obligations, including those involving employment, with overseas travel is a challenge faced by many individuals who wish to file Form I-129Fs and does not constitute extreme hardship. The petitioner's assertions that his religion and culture precluded a meeting with the beneficiary during the specified period also fail to establish a basis for exempting him from the meeting requirement.

Although the petitioner has stated that he and the beneficiary may not meet prior to their marriage, he has not identified the religious beliefs and customs that preclude such a meeting, nor has he provided any documentation to support his assertions. Simply going on record without supporting documentation is insufficient to meet the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). Accordingly, the petitioner's statements are not proof that a meeting with the beneficiary would have constituted an extreme hardship for him or would have violated the customs of the beneficiary's culture and social practice. Therefore, the appeal will be dismissed.

The denial of the petition is without prejudice. Should the petitioner and beneficiary meet, he may file a new Form I-129F on her behalf so that a new two-year period during which the parties are required to have met will apply.

The burden of proof in these proceedings rests solely with the petitioner. *See* Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.