



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

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

MATTER OF L-S-

DATE: DEC. 21, 2015

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 because the Petitioner failed to establish that she met the Beneficiary in person during the two-year period before she filed the Petition for Alien Fiancé(e). On appeal, the Petitioner states that she and the Beneficiary met in September 2014 and that she and the Beneficiary intend to get married.

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. . . .

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 fiancé(e) petition with USCIS on June 26, 2014, without sufficient supporting evidence. For this reason, the Director issued notice of intent to deny, and in response, the Petitioner submitted a statement explaining that her mother is paralyzed and because of this she could not go to Ukraine to see the Beneficiary.

The Director denied the petition, finding that the Petitioner had failed to submit evidence to establish that she and the Beneficiary had met during the two-year period immediately preceding the filing of the petition as required under section 214(d) of the Act, or that she merits a waiver of the meeting requirement.

The Petitioner has not submitted probative evidence that she and the Beneficiary met in person between June 26, 2012, and June 26, 2014, which is the two-year period immediately preceding the filing of the petition, or evidence that she merits a favorable exercise of discretion to exempt her from this requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). The evidence in the record reflects that the Beneficiary and the Petitioner met in Ukraine in September 2014, after the filing of the fiancé petition. On appeal the Petitioner states she is committed to her fiancé and explains that she met the Beneficiary and his family in Ukraine in September 2014. Their meeting fell outside the two-year period preceding the filing of the petition.

The evidence of the couple's meeting in September 2014 would be relevant to a new fiancé(e) petition that the Petitioner may file for the Beneficiary in the future, but it has no relevance to whether the couple met during the period applicable to this petition. However, the Petitioner has asserted that she was unable to travel to Ukraine during the requisite period because she is the sole caregiver for her mother, who is paralyzed.

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.

Matter of L-S-

The Petitioner asserts that due to her mother's medical condition and her responsibilities to her mother, she could not travel to Ukraine to meet the Beneficiary. In a letter submitted with the petition, the Petitioner explains that she has been the sole caregiver to her disabled mother since 2008. She explains that her mother has had several strokes, is not ambulatory, and has to have around the clock care. Relating to these assertions, the record contains a note from a medical office that states that the Petitioner's mother requires total assistance because of "CVA" in both hemispheres. There is no other documentation concerning the Petitioner's mother's medical condition or her responsibilities as caregiver. Further, the Petitioner has not established that she could not have arranged for someone to care for her mother temporarily so she could travel to meet the Beneficiary, and in her letter she states that her sister did care for her mother in September 2014 so that she could travel to meet the Beneficiary. The documentation submitted is not sufficient to demonstrate that because of the Petitioner's responsibilities to her mother, it would have constituted an extreme hardship to travel abroad for a brief trip during the required period.

The record does not contain sufficient evidence that the Petitioner and Beneficiary could not have met prior to the filing of the petition, or that the Petitioner would have experienced extreme hardship in order to meet the Beneficiary during the required period.

In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the 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 L-S-*, ID# 14618 (AAO Dec. 21, 2015)