



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

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

MATTER OF L-J-G-

DATE: DEC. 23, 2015

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 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, California Service Center, denied the 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 he met the Beneficiary in person during the two-year period before he filed the Petition for Alien Fiancé(e). On appeal, the Petitioner states that he was unable to travel to Indonesia due to his medical condition and financial hardships and submits additional evidence, including copies of utility, medical, and other bills; a letter concerning his social security benefits; and a copy of a bank statement.

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

(b)(6)

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(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 July 8, 2014, without sufficient supporting evidence. For this reason, the Director issued a request for evidence (RFE). The Director noted there was no evidence of the Petitioner and Beneficiary's intent to marry, no evidence that they had met in the two years prior to the filing of the petition, and no Form G-325A for the Petitioner or Beneficiary. In response, the Petitioner submitted a letter from a medical office dated October 27, 2014, stating that the Petitioner was unable to travel at that time due to medical conditions, a purchase receipt for a diamond, a list of menu items from a restaurant with handwritten notations about a deposit and other information, a receipt for a shipment to the Beneficiary in [REDACTED] passport photos, evidence of the Petitioner's divorce from his former spouse, and an email between the Petitioner and the Beneficiary.

The Director denied the petition, finding that the Petitioner had failed to submit evidence to establish that he 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 and for failing to submit other initially required evidence.

On appeal, the Petitioner explains that due to health problems and financial hardship, he did not meet the Beneficiary prior to the filing of the petition. The Petitioner states that he is 57 years old, is disabled, and lives on social security payments. In support of these assertions, the Petitioner submits copies of utility, medical, and other bills; a letter concerning his social security benefits; and a copy of a bank statement.

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 has not submitted probative evidence that he and the Beneficiary met in person between July 8, 2012, and July 8, 2014, which is the two-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 section 214(d)(1) of the Act and the regulation at

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8 C.F.R. § 214.2(k)(2). The letter from the physician stating the Petitioner was unable to travel in October 2014, after the petition was filed, does not establish that he was unable to travel during the requisite two-year period before the petition was filed on July 8, 2014. Furthermore, copies of bills and other financial documents do not establish that due to his financial situation, the cost of travel to meet the Beneficiary would have resulted in extreme hardship to the Petitioner. The financial commitments required for travel to a foreign country are a common requirement to those filing the Form I-129F petition, and the record does not establish that traveling to meet the Beneficiary would constitute extreme hardship to the Petitioner.

The appeal will be dismissed for the above stated reasons. 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. 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 L-J-G-*, ID# 14774 (AAO Dec. 23, 2015)