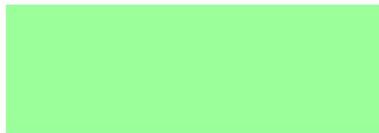


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U.S. Citizenship  
and Immigration  
Services

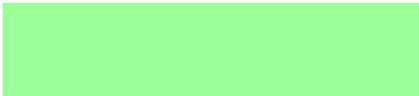


Date: **JAN 13 2015** Office: CALIFORNIA SERVICE CENTER

FILE:



IN RE:           Petitioner:  
                      Beneficiary:



PETITION:      Petition for Alien Fiancé(e) Pursuant to § 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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

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

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of India, as the fiancé(e) of a United States citizen pursuant to § 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K).

The director denied the nonimmigrant visa petition because the petitioner failed to establish that he and the beneficiary met in person during the two-year period immediately preceding the filing of the petition or demonstrate that he is eligible for a waiver of the meeting requirement. On appeal, the petitioner submits a statement and additional evidence.

#### *Applicable Law*

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. . . .

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.

The statutory requirement of an in-person meeting between the petitioner and the beneficiary is further explained at 8 C.F.R. § 214.2(k)(2), which states:

The petitioner shall establish to the satisfaction of the director that the petitioner and K-1 beneficiary have met in person within the two years immediately preceding the filing of the petition. As a matter of discretion, the director may exempt the petitioner from this 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 K-1 beneficiary's foreign culture or social practice . . . Failure to establish that the petitioner and K-1 beneficiary have met within the required period or that compliance with the requirement should be waived shall result in the denial of the petition. Such denial shall be without prejudice to the filing of a new petition once the petitioner and K-1 beneficiary have met in person.

The regulation does not define what may constitute extreme hardship to the petitioner. Therefore, 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.

#### *Facts and Procedural History*

The petitioner filed the fiancé(e) petition with U.S. Citizenship and Immigration Services (USCIS) on January 6, 2014. Therefore, the petitioner and the beneficiary were required to have met in person between January 6, 2012 and January 6, 2014.

The record reflects that the petitioner traveled to India and last met with the beneficiary on December 28, 2011. In a Request for Evidence (RFE), dated February 25, 2014, the director informed the petitioner that he must either submit evidence of having met the beneficiary in person during the required time period or request a waiver of the meeting requirement. In response, the petitioner submitted a statement attaching a copy of his passport, a passenger airline receipt and an engagement photo.

The director determined that the petitioner failed to establish that he and the beneficiary met in person within the two-year period immediately prior to the filing date of the petition. The director further determined that the petitioner did not claim that complying with the meeting requirement would result in extreme hardship.

On appeal, the petitioner submits a statement and evidence to support his assertion that meeting with the beneficiary would constitute extreme hardship, extreme financial hardship, and that culturally, he is not supposed to meet with the beneficiary without the presence of both sets of parents, which cannot be accomplished logistically. He states that his father is an alcoholic, will not see the doctor, and submits a letter from his mother indicating that she needs the petitioner's support every day. He submits supporting documents establishing that he is attending school and working on a part-time basis,

including the cost of his attendance at [REDACTED] and Internal Revenue Service (IRS) transcripts for 2012 and 2013. He states that he pays more in tuition and expenses than he earns, and has no leave time to go to India. He submits a link to an article in Wikipedia about arranged marriage in the Indian subcontinent. He also states that his fiancée lives 225 miles from the nearest international airport, and it takes 8 hours to get there under dangerous driving conditions.

### *Analysis*

We review the evidence *de novo*.

The petitioner's statement that he needs to help his mother deal with his father's alcoholism does not establish, without supporting evidence, that traveling overseas to meet the beneficiary would constitute an extreme hardship for the petitioner. 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)).

The petitioner states that it would have been a financial hardship for him to travel to India during the two-year period in question. However, the cost of travel outside of the United States is not a sufficient reason to waive the requirement of a personal meeting. Thus, the evidence presented by the petitioner does not demonstrate that he is eligible for a waiver of the meeting requirement.

The petitioner also states that meeting with the beneficiary would require the presence of both sets of parents, as the marriage was traditionally arranged, and that such a meeting would be difficult logistically, since his parents are in the United States. The petitioner does not assert that it would violate strict and long-established customs of his or the beneficiary's family if they were to meet without his parents present. The record does not establish that the petitioner's parents were present at the couple's engagement party in December 2011, or that he could not meet with the beneficiary again in India without his parents' presence. While the petitioner states that the traditions in his family do not allow dating, he submits no evidence to support his 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. at 165. The Wikipedia article cited by the petitioner states that, after an engagement in the Indian subcontinent, the couple is expected to date.

In urban areas, the future spouses are often expected to go out on dates and develop a romantic relationship in the period between their engagement and their wedding. In more conservative rural areas, a period of greater freedom in interaction, or even romantic courtship, between the man and woman follows. Though dating may not be socially permissible, nonetheless the couple may talk over the phone.

[http://\[REDACTED\]](http://[REDACTED]) The record does not establish that the petitioner's meeting the beneficiary in person within the requisite time period would violate strict and long-established customs of the beneficiary's foreign culture or social practice.

The petitioner did not submit evidence to support his assertion that it would be dangerous for him or for the beneficiary to travel a long distance from the nearest international airport to meet in India.

Although the petitioner presented evidence that he visited the beneficiary in India in December, 2011, the meeting was not within the requisite time period. As stated at section 214(d)(1) of the Act, the relevant time period in which the personal meeting between the petitioner and the beneficiary must occur is within the two-year period before the filing date of the petition. Here, the couple met prior to this time period.

The petitioner states on appeal that he first attempted to file the petition on December 23, 2013, but forgot to sign the petition and it was returned. The petitioner requests that we accept the initial filing date. The regulation at 8 C.F.R. § 102.2(a)(7) states that an application received without a signature will be rejected, and will not retain the filing date. Thus we cannot consider the petition to have been filed on December 23, 2013.

*Conclusion*

The statutorily required personal meeting between the petitioner and the beneficiary did not occur during the required time period and the petitioner is not exempt from such a requirement. Consequently, the instant petition must remain denied and the appeal is, therefore, dismissed. 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.

The burden of proof in these proceedings rests solely with the petitioner. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has not met that burden.

**ORDER:** The appeal is dismissed. The petition remains denied.