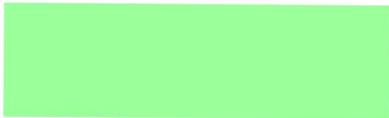


(b)(6)



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 Director, California Service Center (director), denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. 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 Poland, 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. The director also found that the petitioner did not establish the dissolution of his marriage to his second wife and that he was not eligible to conclude a valid marriage within 90 days of the beneficiary's arrival in the United States.

On appeal, the petitioner submits 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. . . .

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 . . .

Facts and Procedural History

The petitioner filed the fiancé(e) petition with U.S. Citizenship and Immigration Services (USCIS) on February 7, 2014. Therefore, the petitioner and the beneficiary were required to have met in person between February 7, 2012 and February 7, 2014.

On the Form I-129F, the petitioner stated that he and the beneficiary have been living together in Poland since 2010. In an April 29, 2014 Request for Evidence (RFE), 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. The director also requested evidence of the termination of the petitioner's marriages. In response, the petitioner submitted a copy of a divorce decree between himself and [REDACTED] but failed to submit a copy of a divorce decree between himself and [REDACTED]. He also submitted a copy of a statement co-signed by the beneficiary and the petitioner indicating that the petitioner moved to Poland to help his mother after his father died in December 2010, and that they live together.

The director determined that the petitioner and the beneficiary listed separate addresses and that no evidence of record established 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 failed to establish the termination of his marriage to [REDACTED]. On appeal, the petitioner submits evidence of his divorce, and new and previously submitted evidence from financial institutions where he and the beneficiary have joint assets and/or indebtedness.

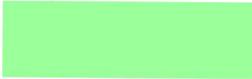
Analysis

We review the evidence on appeal *de novo*.

The record reflects that the petitioner obtained a divorce from [REDACTED] on December 14, 2005 and that as of the filing date of the petition he was free to conclude a valid marriage in the United States within 90 days of the beneficiary's arrival.

The evidence submitted on appeal indicates that the petitioner and the beneficiary were together in Poland on December 19, 2011 to open a bank account; on February 26, 2014 to purchase an apartment together; and thereafter shared an address in Poland. This evidence establishes that the petitioner and the beneficiary were together before and after, but not during, the requisite period. There is no objective evidence of record to corroborate the petitioner's and the beneficiary's joint statement that they have lived together in Poland since 2010. 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)).

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. The petitioner does not assert that he is exempt from the personal meeting requirement.



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 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not met that burden.

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