



U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: JUL 09 2015

FILE: [REDACTED]

PETITION RECEIPT: [REDACTED]

IN RE:

PETITIONER: [REDACTED]

BENEFICIARY: [REDACTED]

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:

NO REPRESENTATIVE OF RECORD

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

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

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Ethiopia, as the fiancée of a U.S. 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 met the beneficiary in person during the two-year period before he filed the Form I-129F, Petition for Alien Fiancée (Form I-129F). 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 [her] 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.

*Factual and Procedural History*

The petitioner filed the Form I-129F with USCIS on June 1, 2012, without sufficient supporting evidence. For this reason, on December 10, 2012, the director requested additional evidence, specifically of passport photos of the petitioner and beneficiary and of proof that they had met two

years before the petitioner filed the instant Form I-129F. In response the petitioner submitted additional documentary evidence, including letters from the petitioner's and the beneficiary's parents stating that they have arranged a marriage between the petitioner and the beneficiary; and money transfer receipts dated May and October 2012.

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 241(d) of the Act.

On appeal, the petitioner states that he noted on Form I-129F that he did not meet the beneficiary before filing the petition; he also states that they did not meet due to Ethiopian tradition, whereby marriages are arranged by the couple's parents, who may choose their children's spouses without the presence and meeting of the couple. The petitioner also submits a letter from his pastor, who states that the couple's parents arranged a marriage between them and that he will marry the couple in his church. The petitioner submits no other new evidence; the appeal, therefore, will be reviewed on the basis of the evidence currently in the record.

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.

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.

#### *Analysis*

The petitioner has not submitted probative evidence that he and the beneficiary met in person between June 1, 2010 and June 1, 2012, which is the two-year period immediately preceding the

filing of the petition. He also has not shown that he merits a favorable exercise of discretion to exempt him 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 petitioner states that according to Ethiopian religious practice, the parents arrange marriages without the need for the couple to meet prior marriage. The record includes evidence that the petitioner's parents and the beneficiary's parents arranged for their marriage. However, the petitioner submits no evidence to establish that he and the beneficiary are precluded by their customs from meeting prior to marriage. In addition, the petitioner has not established that other aspects of traditional arrangements have been or will be met in accordance with custom or practice. On appeal, the petitioner does not explain why he was unable to meet the beneficiary during the requisite period.

Thus, the petitioner's claim that the couple's inability to meet within the required period was due to Ethiopian tradition is not supported by documentation.

The record also lacks evidence of the petitioner's U.S. citizenship;<sup>1</sup> evidence from the petitioner and the beneficiary of their intent to marry one another within 90 days of the beneficiary's admission into the United States in nonimmigrant K-1 status; and a signed Form G-325A, Biographic Information, and passport-style photograph for the beneficiary.

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, USCIS may, in its discretion, deny the petition for lack of initial evidence. Because the petitioner did not submit the required documentation, the beneficiary may not benefit from the instant petition.

#### *Conclusion*

The appeal will be dismissed for the above stated reasons. In fiancée visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. 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, 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. The petition remains denied.

---

<sup>1</sup> On the Form I-129F the petitioner indicated that he is a naturalized United States citizen.