

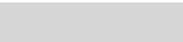


U.S. Citizenship  
and Immigration  
Services

(b)(6)



Date: **JUL 13 2015**

FILE:   
APPLICATION RECEIPT: 

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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,



Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center (the director), denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. 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 Nigeria, as the fiancé 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, finding that the petitioner failed to establish that she met the beneficiary in person during the two-year period before she filed the Form I-129F, Petition for Alien Fiancé (Form I-129F).

On appeal, the petitioner submits her own statement and additional evidence to establish that meeting the beneficiary during the two years preceding her filing Form I-129F would have caused her extreme hardship.

#### *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 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 on June 27, 2012, without sufficient supporting evidence. For this reason, the director issued a request for additional evidence and, in response, the petitioner submitted her own statement and statements from her daughter and brother.

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 241(d) of the Act, or that she merits a waiver of the meeting requirement. On appeal, the petitioner explains that she did not previously meet the beneficiary in person, because it would have caused her financial hardship to travel to Nigeria.

*Analysis*

The petitioner has not submitted probative evidence that she and the beneficiary met in person between June 27, 2010 and June 27, 2012, which is the two-year period immediately preceding the filing of the petition, or sufficient evidence that she 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 8 C.F.R. § 214.2(k)(2).

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 petitioner asserts that traveling to Nigeria would impose a hardship because of the high travel costs, and the impact on her work and familial responsibilities. The petitioner submits copies of her income tax returns, indicating she earned an adjusted gross income of \$19,242 in 2012 and \$17,492 in 2011. She also submits evidence that her fiancé purchased a plane ticket for her to travel to Nigeria, and she asserts that she was unable to board the plane since she did not have the credit card used to purchase the ticket. In addition, she submits a letter from her employer, stating that the petitioner does not have sufficient paid leave to travel. She also submits her daughter's birth certificate, school records, and statement.

Although the petitioner has shown that she is experiencing financial difficulties and arranging travel would be difficult, she has not established that this amounts to extreme hardship. With respect to her

claims of financial hardship, the record includes evidence that the beneficiary is willing to pay for the petitioner's airfare, alleviating part of her financial burden. She has not provided evidence that they considered other arrangements that would not involve presenting her own credit card to travel. She also has not presented evidence showing that they considered meeting in a third country, other than Nigeria, for a brief period, given her lack of paid leave and her work and family obligations.

*Conclusion*

The appeal will be dismissed for the above stated reasons. In fiancé 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.