



U.S. Citizenship  
and Immigration  
Services

(b)(6)



Date: **MAR 31 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:

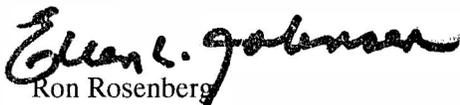
SELF-REPRESENTED

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, 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 the Ukraine, as the fiancée 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).

On February 19, 2013, the director denied the petition after determining that the petitioner failed to establish that he and the beneficiary met within the two-year period immediately preceding the filing of the petition, as required under section 214(d) of the Act or that such a meeting would have constituted an extreme hardship or violated the customs of the beneficiary's culture or social practice.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K), provides nonimmigrant classification to an alien who:

(i) is the fiancé(e) of a U.S. citizen and who seeks to enter the United States solely to conclude a valid marriage with that citizen within 90 days after admission;

(ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), 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 two 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. . . .

The petitioner filed the Petition for Alien Fiancé(e) (Form I-129F) with Citizenship and Immigration Services on April 16, 2012. Therefore, the petitioner and the beneficiary were required to have met during the period that began on April 16, 2010 and ended on April 15, 2012.

At the time of filing, the petitioner indicated that he and the beneficiary had met in August 2010, within the two year time period preceding the filing of the Form I-129F.

On July 31, 2012, the Director requested that the petitioner submit: passport-style photographs of himself and the beneficiary; Form G-325A, Biographic Information Form from the petitioner; divorce

decrees from the petitioner's two previous marriages; statements from the petitioner and beneficiary regarding their intent to marry; and evidence that the petitioner and beneficiary had met. In response to the director's request for documentation, the petitioner submitted: photographs of himself with the applicant in Punta Cana, Dominican Republic, and Dubai, United Arab Emirates; a Form G-325A for himself; copies of his divorce decrees; passport photographs for himself and the beneficiary; and letters of intent to marry from the petitioner and beneficiary.

On appeal, the petitioner submits evidence of traveling to Bali, Indonesia with the applicant from January 19, 2013 to January 27, 2013. The petitioner states on appeal that in addition to this meeting in Bali, he has submitted evidence of himself and the beneficiary meeting in Punta Cana, Dominican Republic. He states that he submitted photographs and passport pages showing entries into the Dominican Republic on the same day. The record includes photographs, but does not include copies of passport pages showing an entry into the Dominican Republic for either the beneficiary or the petitioner.

The petitioner's January 2013 trip to meet the beneficiary occurred nine months after he filed the Form I-129F on behalf of the beneficiary. The dates of the petitioner's trips to meet the beneficiary in the Dominican Republic and the United Arab Emirates have not been established with documentary evidence. The photographs submitted do not indicate the date they were taken and the record does not include copies of the passport pages showing entry into the Dominican Republic on a certain date. Therefore, although the January 2013 trip establishes that the petitioner has met the beneficiary, this meeting did not occur within the two-year time period specified above and does not satisfy section 214(d) of the Act. Further, the petitioner has offered no evidence to establish that compliance with the meeting requirement during the specified period would have constituted an extreme hardship for him or that such a meeting would have violated the customs of the beneficiary's culture or social practice. Therefore, the appeal will be dismissed.

The denial of the petition is without prejudice. The petitioner may file a new I-129F petition on the beneficiary's behalf.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

**ORDER:** The appeal is dismissed.