U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: MAY 27 2015

FILE #:
PETITION 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) 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, 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 petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Pakistan, as the fiancé of a United States citizen pursuant to section 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 she met the beneficiary in person during the two-year period before she filed the Petition for Alien Fiancé(e) (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. . . .

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) 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 is judged on a case-by-case basis taking into account the totality of the petitioner's circumstances.

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 fiancé(e) petition with USCIS on May 19, 2014 without sufficient supporting evidence. For this reason, the director issued a request for additional evidence (RFE) on July 18, 2014. In her August 14, 2014 response, the petitioner submitted her own statement explaining that meeting her fiancé would violate cultural norms.

The director denied the petition finding that the petitioner had failed to submit either evidence she had met the beneficiary personally within the required two-year period or submitted sufficient evidence that such a personal meeting would violate long-established religious customs and practices. The petitioner appealed and provided new documentation to support her hardship claim, including a statement from a religious leader and online articles regarding dating and marriage. In addition, she submitted a U.S. Department of State (DOS) Travel Warning dated August 8, 2014 and online news reports.

Analysis

The petitioner has not submitted probative evidence that she and the beneficiary met in person between May 18, 2012 and May 18, 2014, which is the two-year period immediately preceding the filing of the petition, or evidence that she merits a favorable exercise of discretion to exempt her from such requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). The petitioner admits never having met the beneficiary in person, but contends that meeting her fiancé would place her safety at significant risk or violate cultural norms. On appeal, the petitioner states that it is dangerous for her to travel to Pakistan due to her well known family name and asserts it would violate religious beliefs to meet the beneficiary in a neutral location. As discussed below, the petitioner has not met her burden of establishing either scenario.

In support of her claim, the petitioner points to the killing of a relative with the same surname and states that the United States "prohibits travel for all U.S. citizens to Pakistan right now." The news report provided by the petitioner states that the victim was killed in Afghanistan's Kandahar province, not in Pakistan, and there is no evidence the petitioner intend to travel to Afghanistan. Moreover, the Travel Warning advises that U.S. citizens "defer all non-essential travel to Pakistan," it does not prohibit such travel. We note that the Travel Warning currently in effect, dated February 24, 2015, contains similar language. In addition, the news report indicates that the killing was politically motivated, due to the victim's support for a particular candidate in Afghanistan's presidential elections, and does not indicate

he was targeted due to his name.[1] Unlike the current and immediately preceding Pakistan Travel Warnings, the Afghanistan warning directly advises U.S. citizens against travel to Afghanistan, stating that "[n]o province in Afghanistan should be considered immune from violence…". *Afghanistan Travel Warning*, DOS, September 5, 2014.

Difficulty arranging a meeting in a country suffering from political unrest is not uncommon, and is not extreme hardship. In such situations, it is possible for the meeting to occur in another country, and this option is noted in the denial decision. The petitioner's assertion that this scenario entails hardship to her is not supported by the record. Regarding her custom-based contention that a premarital meeting is prohibited, the letter from the petitioner's imam confirms only that such a meeting is not accepted "without the presence of a guardian or chaperon." *Letter* re "Courtship in Islam," October 12, 2014. The petitioner states that the beneficiary comes from a prominent and affluent family in which every member is well educated. The evidence does not establish the inability to arrange a meeting in a location of the petitioner's choosing and in the presence of a family member needed to assure that social mores are observed.

Although we acknowledge the situation in Pakistan, the petitioner has not documented sufficient danger to her in that country and/or shown inability to utilize a neutral location for a chaperoned meeting in accordance with cultural practices to establish entitlement to the Secretary's discretionary waiver of the meeting requirement.

Conclusion

The appeal will be dismissed for the above stated reasons. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely 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.

[1] Although the petitioner claims to be a cousin of the victim, there is no evidence of this relationship.