



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

MATTER OF I-U-

DATE: OCT. 22, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-129F, PETITION FOR ALIEN FIANCÉ(E)

The Petitioner, a citizen of the United States, seeks to classify the Beneficiary as a fiancé(e) of a United States citizen. *See* Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be dismissed.

On December 9, 2014, the Director denied the nonimmigrant visa petition because the Petitioner did not submit evidence that she and the Beneficiary had met within the 2 years immediately preceding the filing of the petition, or that she qualified for a waiver of the 2 year meeting requirement.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

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

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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.

The Petitioner filed the Form I-129F on January 29, 2014, without sufficient supporting evidence. For this reason, on August 13, 2014, the Director issued a request for evidence (RFE) which requested Forms G-325A for both her and the Beneficiary, completion of part 3 of the Form I-129F, and evidence that the Beneficiary and Petitioner had met in person within 2 years before the date of filing the petition. In response to the RFE, the Petitioner submitted a Form G-325A for herself and a statement that she was supposed to visit her fiancé in February 2014, but the visit was postponed due to her mother's fall in December 2013.

On December 31, 2014, the Director denied the petition, finding that the Petitioner had not submitted evidence to establish that she and the Beneficiary had met between January 29, 2012, and January 29, 2014, as required under section 241(d) of the Act, or that she merited a waiver of the meeting requirement. On appeal, the Petitioner states that she and the Beneficiary will not meet prior to the wedding ceremony because it would violate the Beneficiary's foreign culture and society's strict and long established custom, her mother is unable to accompany her to Pakistan, and she cannot leave her mother without her help as her mother is old. She further states that she is paid hourly and is the only source of income in her household, which makes it difficult for her to travel to Pakistan.

The Petitioner has not submitted probative evidence demonstrating that she and the Beneficiary have met in person within the 2 year period immediately preceding the filing of the petition. While the record contains photographs of the Petitioner and the Beneficiary, they do not show the Petitioner and Beneficiary together. Moreover, there is no evidence that the Beneficiary traveled to the United States, that the Petitioner has travelled to Pakistan, or that they met in another country.

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 K-1 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's claim of extreme hardship due to her mother's age is unsupported by medical documentation reflecting that she is unable to travel and that she cannot remain in the United States without the care of the Petitioner. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*,

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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)). The Petitioner's claim of extreme hardship based on financial constraints for her household is similarly unsupported by financial documents for the 2 year period.

The Petitioner's claim that a meeting between her and the Beneficiary would violate the Beneficiary's customs is not supported by any documentation on the Beneficiary's customs. Moreover, in response to Part C of the Form I-129F, the Petitioner states that she was supposed to visit the Beneficiary in February 2014 but had to postpone her plans due to her mother sustaining a fall in December 2013. Such plans contradict the Petitioner's claims that a meeting between herself and the Beneficiary would violate his customs. Overall, the Petitioner's evidence does not demonstrate that meeting the Beneficiary in person during the required time period would have violated hers or the Beneficiary's customs and social practices regarding marriage.

In fiancé(e) 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.

Cite as *Matter of I-U-*, ID# 13934 (AAO Oct. 22, 2015)