



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF P-S-S-

DATE: FEB. 9, 2016

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* Immigration and Nationality Act (the Act) § 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). The Director, Texas Service Center, denied the nonimmigrant visa petition. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the nonimmigrant visa petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii) because the Petitioner failed to submit required initial evidence, including evidence that the Petitioner and Beneficiary met within the two-year period preceding the filing of the petition. On appeal, the Petitioner submits a statement explaining that she had not previously met the Beneficiary because of the conditions in Egypt, and that she had subsequently met him in May 2015. She submits additional evidence regarding her May 2015 travel.

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

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(USCIS) may, in its discretion, deny the petition for lack of initial evidence. The specific requirements for filing a Petition for Alien Fiancé(e), including a description of the required initial evidence, may be found in the Instructions to the Form I-129F.

The Petitioner filed the fiancé(e) petition with USCIS on October 6, 2014, without sufficient supporting evidence. For this reason, the Director issued a request for additional evidence, and in response, the Petitioner submitted additional documentary evidence including birth certificates and biographical forms.

The Director denied the petition, finding that the Petitioner had failed to submit evidence to establish that she and the Beneficiary had met as required under section 214(d) of the Act. On appeal, the Petitioner asserts that she could not meet the Beneficiary previously because of the hazardous conditions in Egypt. She also states that she and the Beneficiary have since met in May 2015 and submits copies of airplane tickets, travel receipts and photographs.

The Petitioner has stated that she did not meet the Beneficiary during the two years preceding the filing of the petition because of the dangerous conditions in Egypt. She states that her petition was expedited because of the conditions there and that she had submitted information about terrorism in Egypt.

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 states that she submitted information regarding the dangerous conditions in Egypt, but the record does not contain any country conditions materials. The Petitioner submitted a copy of an email correspondence with USCIS indicating that her petition had been approved for expedited processing, but it does not state that it was accepted for expedited processing because of the conditions in Egypt. Further, the Petitioner and Beneficiary have since met in Egypt despite the Petitioner's assertion that because of conditions there, she could not have arranged a meeting with the Beneficiary during the required period. We note that a February 2014 Travel Alert for Egypt issued by the U.S. Embassy in [REDACTED] warned U.S. Citizens to avoid travel to certain areas, such as [REDACTED] and to

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“avoid all demonstrations in Egypt, as even peaceful ones can quickly become violent,” but further stated, “The security situation in most tourist centers, including [REDACTED] and [REDACTED] resorts such as [REDACTED] and [REDACTED] remains calm.” See Embassy of the United States, [REDACTED] Egypt, *Travel Alert for Egypt*, February 21, 2014 [REDACTED]. The record further indicates that the Petitioner traveled to [REDACTED] after the Form I-129F was filed to meet the Beneficiary. The record does not demonstrate that it would have constituted extreme hardship for the Petitioner to have briefly traveled abroad to meet the Beneficiary, either in Egypt or in a third country, during the requisite period.

The Petitioner and Beneficiary have subsequently met in May 2015. Unfortunately this date falls outside the two-year period prior to the filing of this petition. While the evidence of the couple’s meeting in May 2015 would be relevant to any new fiancé petition that the Petitioner may file for the Beneficiary in the future, it has no relevance to whether the couple met during the period applicable to this petition.

The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

Cite as *Matter of P-S-S-*, ID# 15165 (AAO Feb. 9, 2016)