U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF R-M-G-

DATE: MAR. 8, 2016

APPEAL OF CALIFORNIA 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 fiancée 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, California Service Center, denied the petition. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the Form I-129F, Petition for Alien Fiancé(e), filed on July 29, 2015, because the Petitioner did not establish that he met the Beneficiary in person during the two-year period before he filed the petition) and did not establish eligibility for a discretionary waiver of the meeting requirement.

On appeal, the Petitioner submits a statement describing his relationship and communication with the Beneficiary and additional evidence.

The record includes, but is not limited to, documents establishing relationships and identity, letters, proof of remittances, and photographs. The entire record was reviewed and considered in rendering this decision.

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 Form I-129F:

> 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.

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 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.

The Petitioner filed the Form I-129F on April 3, 2015, without sufficient supporting evidence. For this reason, the Director requested additional evidence showing that the Petitioner and the Beneficiary met in person during the two-year period immediately preceding filing of the petition or documentation to establish that such a meeting would cause the Petitioner extreme hardship. On June 4, 2015, the Petitioner submitted some, but not all, of the evidence requested. The Director denied the petition, finding that the Petitioner did not submit evidence he had met the Beneficiary personally within the required two-year period or evidence showing that such a meeting would cause him extreme hardship.

On appeal, the Petitioner states that the Beneficiary has been his live-in partner since 2002 and that they have two children born in [redacted] and [redacted] He also states that since coming to the United States in 2005, he has communicated with the Beneficiary through letters, telephone, and social media and that he sends her and their children monthly financial support. The Petitioner adds that in 2010, he visited his family in the Philippines and took photographs with the Beneficiary and their children. The Petitioner submits a copy of his passport with a July 2010 entry stamp and an August 2010 exit stamp from the Philippines; birth certificates; medical and school records for their children; a copy of a birthday card; a statement of the Petitioner's insurance benefit plan; a 2005 untranslated letter from the Petitioner to the Beneficiary, money transfer receipts; and several photographs. Three of the photographs appear to be of the Petitioner, and notations indicate that they were taken in 2013 in [redacted] The other photographs, which include handwritten descriptions on the back, are of the Petitioner's family members and other unidentified individuals.

Although the Petitioner has established that he travelled to the Philippines in 2010, he has not submitted probative evidence that he and the Beneficiary met in person between April 3, 2013, and April 3, 2015, the two-year period immediately preceding the filing of the petition; or evidence that he 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).

The evidence showing the Petitioner met with the Beneficiary predates the two-year period preceding filing of the petition, and the Petitioner does not assert that he merits a favorable exercise of discretion to exempt him from this requirement. Because the Petitioner has not met his burden of establishing either scenario, the appeal will be dismissed.

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.

Cite as *Matter of R-M-G-*, ID# 15848 (AAO Mar. 8, 2016)