

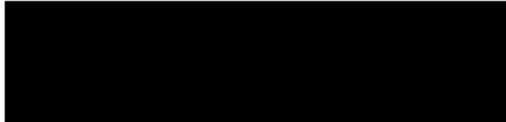


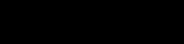
U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File:  Office: TEXAS SERVICE CENTER

Date: APR 10 2000

IN RE: Petitioner: 
Beneficiary: 

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

Public Good

IN BEHALF OF PETITIONER: SELF-REPRESENTED

Identifying information to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Texas Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a twice-divorced native and citizen of the United States. The beneficiary is a never-married native and citizen of Russia. The director denied the petition for failure to present evidence of their having met within the two-year period immediately preceding the filing date of the visa petition.

On appeal, the petitioner states "I have met [REDACTED] He submits notarized letters from friends who met his fiancée prior to Christmas holidays in 1997. He indicates that there are no pictures of himself with his fiancée available.

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 the fiancée of a U.S. citizen within 90 days after entry. The Service must review the information and evidence in the petition and determine that the parties intend to enter into a bona fide marriage.

Under section 214(d) of the Act, 8 U.S.C. 1184(d), the petitioner must establish that he and the beneficiary have met in person within two-years immediately before the petition is filed. This petition was filed with the Service on February 9, 1998. The petitioner must show that he and the beneficiary met in person between February 9, 1996 and February 9, 1998, or that this requirement should be waived.

According to 8 C.F.R. 214.2(k)(2), the petitioner may be exempted from this requirement for a meeting 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.

The file contains copies of the following documents:

B1\B2 visa in the beneficiary's name issued in Moscow on June 11, 1997 valid to June 10, 2000 and cancelled on December 26, 1997. The photocopy of the visa is very poor and fails to clearly show stamped date of entry into the United States.

F1 visa in the beneficiary's name issued at Moscow on October 8, 1996, valid to April 7, 1997, with a stamped date of entry into the United States on October 13, 1996. Annotation: St. Giles Colleges, INC., San Francisco, CA.

A letter, dated April 15, 1998, by [REDACTED] stating that he first met the beneficiary in December 1998. A second letter, dated June 15, 1998, by [REDACTED] stating that he first met the beneficiary in December 1997.

A letter, dated April 15, 1998, by [REDACTED] stating "Recently met Anna." A letter, dated June 15, 1998, by [REDACTED] stating "I just met [REDACTED] several days before Christmas 1997."

Attestations by friends of the petitioner purporting to having met his fiancée alone are not held to be evidence of a meeting of the petitioner and the beneficiary between February 9, 1996 and February 9, 1998.

It is noted that satisfaction of the statute requires that a meeting between the petitioner and the beneficiary take place within the two-year period prior to the filing of the petition. Photographs alone do not establish that they met within the two-year period. The petitioner's statements on appeal are not evidence that they met between February 9, 1996 and February 9, 1998.

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

ORDER: The appeal will be dismissed.