



U.S. Department of Justice

Immigration and Naturalization Service

TT

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



Public Copy

File: [Redacted]

Office: VERMONT SERVICE CENTER

Date: MAR 20 2000

IN RE: PETITIONER: [Redacted]  
BENEFICIARY [Redacted]

Petition: Petition for Alien Fiance(e) Pursuant to Section 10(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

IN BEHALF OF PETITIONER: Self-represented

Identifying data deleted 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 petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a citizen of the United States. The beneficiary is a single native and citizen of Russia. The director determined that the petitioner had not established that he and the beneficiary had met within the two-year period prior to the petition's filing date of February 26, 1998. Further, he found no basis for exercising the Attorney General's authority to waive this statutory requirement.

On appeal, the petitioner states that he cannot travel for the following reasons: probation, employment and his mother's medical problems. He requests the Service grant his fiancée a visa, due to the fact that he is on probation and cannot travel outside of the United States.

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 who intends to conclude a valid marriage with that 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.

According to 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 during the two-year period immediately preceding the filing date of the petition. also, see Matter of Grewal, 14 I&N Dec. 620 (Reg. Comm. 1974). The petition was filed with the Service on February 26, 1998. Therefore, the petitioner and the beneficiary must have met between The record in this case reflects that this has not occurred.

According to 8 C.F.R. 214.2(k)(2), the petitioner may be exempted from the requirement for 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, 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 customs or practice.

It is noted that the statute requires that a meeting between the petitioner and beneficiary take place within the two-year period prior to the filing of the petition. On appeal, the petitioner acknowledges that he is currently on probation and is not allowed to leave the United States. Probation does not fall under the exceptions set forth by 8 C.F.R. 214.2(k)(2). The expense and inconvenience of travel required to comply with the requirement to meet the beneficiary in person does not constitute extreme hardship. No claims have been made regarding a violation of long-established customs of the beneficiary's foreign culture or social practice which have prevented the couple from personally meeting during the two years immediately preceding the filing date of the visa petition. It is concluded the petitioner has not provided adequate reasons why the two-year requirement stipulated by law should be waived.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 C.F.R. 1361. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.