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U.S. Department of Justice

Immigration and Naturalization Service

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

[redacted]

File: [redacted] Office: Nebraska Service Center Date: APR 2 3 2001

IN RE: Petitioner: [redacted]
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)

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

IN BEHALF OF PETITIONER: Self-represented

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

Myra L. Rosen

for Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Nebraska 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 native and citizen of Kosovo. The director determined that the petitioner had not established that she and the beneficiary personally met within two years prior to the petition's filing date.

On appeal, the petitioner states it is a customary and family tradition for the engaged couple to comply with the Albanian pre-arranged marriage custom which is not to see or speak with each other until the wedding night.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:

> An alien who is the fiancee or fiance 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 entry....

Section 214(d) of the Act, 8 U.S.C. 1184(d), states in pertinent part that a fiancee petition:

> shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bonafide 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...

The petition was filed with the Service on September 20, 1999. Therefore, the petitioner and the beneficiary must have met in person between September 21, 1997 and September 20, 1999.

The Petition for Alien Fiance(e) (Form I-129F) indicates that the petitioner met her fiancee when she lived abroad. The petition also indicates that they were engaged and kept in contact ever since Germany. On appeal, the petitioner states that the last time she saw her fiancee was March of 1992. Therefore, they have not met in person within two years prior to filing the fiancee petition.

Absent a personal meeting, the Attorney General may waive the requirement that the parties have previously met. According to the regulation at 8 C.F.R. 214.2(k)(2), the director may exempt the

petitioner from this requirement only 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 record contains no evidence that a personal meeting would cause extreme hardship to the petitioner. The petitioner states on appeal that it is customary for the engaged parties not to see or speak with each other until the wedding night. Further, a letter from the Albanian Islamic Center states that "it is not uncommon for the engaged couple not to see or speak to each other before they are married."

Information provided by the Library of Congress states that:

> ....we are not aware of any writer on Islamic law who has stated that the parties who are engaged to be married are prohibited from seeing or meeting each other....

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

ORDER: The appeal is dismissed.