



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

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

In Re: 20201686

Date: JAN. 5, 2022

Appeal of California Service Center Decision

Form I-129F, Petition for Alien Fiancé(e)

The Petitioner, a U.S. citizen, seeks the Beneficiary's admission to the United States under the fiancé(e) visa classification. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i) (the "K-1" visa classification). A U.S. citizen may petition to bring a fiancé(e) to the United States in K-1 status for marriage.

The Director of the California Service Center denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the Petitioner did not submit sufficient evidence demonstrating that the parties personally met within the two-year period immediately preceding the filing of the petition or that the Petitioner merits a discretionary waiver of the personal meeting requirement.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

## I. LAW

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if a petitioner establishes that the parties have previously met in person within two years before the date of filing the fiancé(e) 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 90 days after a beneficiary's arrival.

The regulations require a petitioner to establish to the satisfaction of the Director that the petitioner and beneficiary have met in person within the two years immediately preceding the filing of the petition. As a matter of discretion, the Director may exempt a petitioner from this requirement only if it is established that compliance would result in extreme hardship to the petitioner or that compliance would violate strict and long-established customs of a beneficiary's foreign culture or social practice. Failure to establish that a petitioner and beneficiary have met within the required period or that compliance with the requirement should be waived shall result in the denial of the petition. 8 C.F.R. § 214.2(k)(2). An applicant or petitioner must establish that she or he is eligible for the requested benefit at the time of filing the application or petition. 8 C.F.R. § 103.2(b)(1).

## II. ANALYSIS

Upon review of the record in its totality, we conclude that the Petitioner has not demonstrated that she merits a discretionary waiver of the two-year personal meeting requirement.

The Petitioner filed the fiancé(e) petition on April 13, 2020 and requested a waiver of the two-year personal meeting requirement, asserting that compliance with the requirement would violate her religious values. She also asserts that her father traveled to the Democratic Republic of the Congo (the Congo) to meet the Beneficiary and received a dowry from the Beneficiary's family in accordance with their culture and customs. Accompanying the petition was a letter from the Petitioner's father stating that "the values of our religion do not allow fiancées to meet . . ." Later in the same letter, her father writes that the Beneficiary's family presented the Petitioner's family with a "pre-dowry in accordance with our traditional NEKONGO customs." Another letter written by a person titled "Family Head," and describing the Petitioner as their daughter states that the Beneficiary's family brought "drinks, goods and an envelope of \$500 . . . in accordance with our Ne Kongo traditional customs." The Petitioner also provided photographs and plane tickets to establish that her father met her fiancée in the Congo.

The Director issued a request for evidence (RFE) explaining, among other things, that the Petitioner needed additional support to merit a discretionary waiver of the two-year personal meeting requirement. Specifically, the RFE requested proof of the Petitioner having met the Beneficiary between the period April 13, 2018 and April 13, 2020 or in the absence of that evidence, additional evidence to support granting a discretionary waiver. In her response, the Petitioner provided an affidavit from a preacher of the Good New Message Church in America stating that the "congregation's dogma" does not permit fiancées to meet one another. In her RFE response, she also included a statement from the Beneficiary stating that according to the doctrine of his religious denomination, the Bon Nouveau Message Church, the Petitioner, and him cannot see one another or be together because otherwise they would be breaking their faith.

The Director denied the petition finding that the evidence submitted was insufficient to establish that an in-person meeting would violate strict and long-established customs prohibiting such a meeting. The Director determined that the evidence amounted to unsupported assertions and did not include the opinion of recognized authorities of the Beneficiary's culture and social practice to establish that the Petitioner is prohibited from meeting the Beneficiary before they marry. We agree.

On appeal, the Petitioner asserts the Director erred in denying their request for a discretionary waiver of the two-year personal meeting requirement. She submits a personal statement reiterating that her religious values prohibit a personal meeting, and a letter from her father (who is also the legal representative of his church, the Good New Message Church (KCC), Extension of USA), on church letterhead, asserting that their religious doctrine prohibits a personal meeting, and that he will ensure the couple marries, in both a religious and civil ceremonies, upon the Beneficiary's entry to the United States.

For the following reasons, the evidence of record is insufficient to establish that an in-person meeting would violate the strict and long-established customs of the Beneficiary's foreign culture or social practice. To begin, the evidence does not consistently state which marriage customs the Beneficiary

follows. The initial evidence noted several times that the couple's marriage was carried out in accordance with "NeKonga" customs and traditions, yet no evidence was submitted to define "NeKonga" customs or social practices as they relate to marriage and the prohibition against a bride and groom meeting prior to marrying. The letter submitted by the Petitioner's father on his church's letterhead states in general terms that church doctrine prohibits the couple's personal meeting. The letter does not provide details establishing the foundation of this doctrine or explain how or why the couple's personal meeting would violate the doctrine.

The Beneficiary's March 2021 statement claims that "everything should happen without the presence of [the Petitioner] because, according to the doctrine of our religious denomination, the Bon Nouveau Message Church, my fiancé [*sic*] and I could not see each other or be together at the risk of breaking our faith." This statement is insufficient to meet the regulatory requirement because as stated above, no details are included to establish the foundational underpinnings of this practice. The statement does not explain how a personal meeting would violate the religious beliefs, when the practice of fiancés not meeting began, what doctrine specifically created this practice, how long the religious belief has been in place, and what the consequences would be if the fiancés did know each other or had met in person prior to their marriage. The statements provided also are insufficient to establish how the parties' religion is different from, or similar to, their "NeKongo" culture. All of the initial evidence provided explained that the couple was marrying in accordance with NeKongo culture yet there is no evidence provided to understand how that is different from or the same as the religious doctrine that prohibits their personal meeting before marriage. The Petitioner's assertions are insufficient for this reason alone.

Moreover, the church letterhead states that the church was founded on March 8, 1955. While the term "long-established" is not defined, we question whether a custom arising from the doctrine of such a relatively new religious organization could be considered to be "long-established," even if we were to assume that this particular doctrine began at the time of the religious organization's founding.

In general, the lack of details and specificity regarding the origins of the parties' church doctrine related to its marriage practices, and how the religion differs from the greater "NeKongo" culture renders the evidence insufficient to establish the Petitioner's eligibility for the discretionary waiver. In general, conclusory, unsupported assertions of a religious or cultural practice are not sufficient. *Cf. 1756, Inc. v. U.S. Atty Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

### III. CONCLUSION

The Petitioner has not established that the parties have previously met in person within two years before the date of filing the fiancé(e) petition, or that a discretionary waiver of the two-year personal meeting requirement is warranted pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). The denial of this petition shall be without prejudice to the filing of a new fiancé(e) visa petition once the parties fulfill the two-year personal meeting requirement or establish their eligibility for a discretionary waiver.

**ORDER:** The appeal is dismissed.