



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

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

In Re: 27831072

Date: JAN. 02, 2024

Appeal of California Service Center Decision

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

The Petitioner seeks to classify the Beneficiary as his K-1 nonimmigrant fiancée. Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i). For this classification, the Petitioner must establish that the couple met in person during the two-year period preceding the petition's filing, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within 90 days of the Beneficiary's admission. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Petitioner and Beneficiary had met in person in the two years preceding the petition's filing or that the Petitioner should receive a waiver of this requirement in the exercise of discretion. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

In order to classify a beneficiary as their fiancée, a petitioner must establish, among other things, that both parties met in person in the two years preceding the date of filing the petition. Section 214(d)(1) of the Act. As a matter of discretion, U.S. Citizenship and Immigration Services may exempt a petitioner from this requirement only if the petitioner establishes 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 the parties have met in person within the required period or that the requirement should be waived shall result in denial of the petition. 8 C.F.R. § 214.2(k)(2).

Since the Petitioner does not claim that he and the Beneficiary met in person in the two years preceding the filing of the petition, the sole issue on appeal is whether he should be exempted from this requirement as a matter of discretion.

The Form I-129F, Petition for Alien Fiancé(e), in this case was filed on August 13, 2021. Therefore, the Petitioner and Beneficiary were required to meet in person between August 13, 2019, and August 12, 2021. In the underlying petition, the Petitioner answered “yes” to Part 2, Question 53, which asks whether he had met the Beneficiary during the two years immediately before filing the petition. Because he did not provide evidence to support this claim, the Director issued a request for evidence (RFE) requesting, among other things, documentation showing that the parties had met in person during the relevant two-year period or documentation showing that the Petitioner should receive a waiver of this requirement.

In response to the RFE, the Petitioner provided travel documentation and photographs relating to a trip he took to meet the Beneficiary in the Philippines in 2022. He did not request a waiver of the in-person meeting requirement. The Director denied the petition, concluding that the 2022 trip could not establish eligibility because it occurred after the petition was filed in 2021, and the regulations require the in-person meeting requirement to be met in the two years prior to filing. 8 C.F.R. § 214.2(k)(2); 8 C.F.R. § 103.2(b)(1).

On appeal, the Petitioner provides an affidavit from his former neighbors attesting to his relationship with the Beneficiary and a statement with further information about the history of the parties’ relationship, stating that he met the Beneficiary in person in 2017 and 2018, but since the Beneficiary moved to the United Arab Emirates they “have not been able to see each other in person due to Visa matters and the financial burden . . .”.¹

In order to establish eligibility by a preponderance of the evidence, a petitioner must provide relevant, probative, and credible evidence that demonstrates that their claim is “probably true.” *Matter of Chawathe*, 25 I&N Dec. at 375-76 (citing *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm’r 1989). In this case, the Petitioner has not provided any supporting documentation showing that complying with the in-person meeting requirement would cause him extreme hardship.

The financial evidence provided with the underlying petition indicates that the Petitioner is employed and has a steady income, and has been wiring money to the Beneficiary regularly. There is no documentation regarding any financial hardship that would result from complying with the two-year meeting requirement. The record also contains no evidence regarding any attempt the parties made to apply for visas to see each other during the relevant two-year period or any difficulties they had with doing so. Without supporting evidence, the Petitioner’s statement is insufficiently probative to establish that complying with the in-person meeting requirement would cause him extreme hardship.

The Petitioner has not established that he and the Beneficiary have fulfilled the in-person meeting requirement or that he should receive an exemption from it in the exercise of discretion. Therefore, he has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. The denial of this petition shall be without prejudice to the filing of a new fiancée visa petition once the parties fulfill the in-person meeting requirement or establish their eligibility for a discretionary exemption. 8 C.F.R. § 214.2(k)(2).

¹ The Petitioner does not claim, and the record does not indicate, that complying with the in-person meeting requirement would violate strict and long-established customs of the Beneficiary’s foreign culture or social practice.

ORDER: The appeal is dismissed.