



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

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

MATTER OF N-E-C-U-

DATE: APR. 19, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129F, PETITION FOR ALIEN FIANCÉ(E)

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as her fiancée. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). A U.S. citizen may petition to bring a fiancé(e) (and that person's children) to the United States in K nonimmigrant classification for marriage. The U.S. citizen must establish that the parties have previously met in person within two years before filing the Form I-129F, Petition for Alien Fiancé(e) (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 90 days of the beneficiary's admission as a K nonimmigrant.

The Director of the California Service Center denied the fiancé(e) petition, concluding that the Petitioner did not demonstrate that the parties personally met within the two-year period immediately preceding the filing of the fiancé(e) petition. On appeal, the Petitioner does not present evidence verifying an in-person meeting with the Beneficiary during the relevant period.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Subject to subsections (d) and (r) of section 214 of the Act, 8 U.S.C. § 1184(d) and (r), nonimmigrant K classification may be accorded to a foreign national who "is the fiancée or fiancé 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 admission . . ." *See* section 101(a)(15)(K)(i) of the Act.

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if the petitioner establishes that the parties have previously met in person within two years before 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 90 days of the beneficiary's arrival. U.S. Citizenship and Immigration Services maintains the discretion to waive the in-person meeting requirement if compliance would either result in extreme hardship to the petitioner, or violate strict and long-established customs of the beneficiary's foreign culture or social practice. *See* section 214(d)(1); 8 C.F.R. § 214.2(k)(2).

II. ANALYSIS

The Petitioner filed the fiancé(e) petition on March 8, 2016, and was therefore required to have met the Beneficiary in person between March 8, 2014, and March 8, 2016. In response to the Director's request for evidence, the Petitioner stated that she started a relationship with the Beneficiary in July 2015. She did not, however, indicate that she personally met the Beneficiary at that time. The Petitioner provided photographs of both parties together, with handwritten notations reflecting that the pictures were taken in March, May, and July 2016. She also presented copies of her passport pages showing travel to the Dominican Republic, the Beneficiary's country of residence, on March 26, 2016, May 25, 2016, and July 22, 2016. The evidence verified her travel to the Dominican Republic after she filed her fiancé(e) petition. Although she offered additional passport pages demonstrating other trips to the Dominican Republic in 2014 and 2015, she did not claim that she met the Beneficiary, nor did she provide supporting evidence confirming a personal meeting, during these trips. For these reasons, the Director determined that the Petitioner did not personally meet the Beneficiary during the required timeframe.

On appeal, the Petitioner states: "I had travel[ed] to the Dominican Republic within two year[s] of meting [*sic*] my fiance [*sic*] but I can't lie saying that I traveled to the Dominican Republic to see her." She offers no additional evidence to verify an in-person meeting between the parties during the relevant two-year period. As the Petitioner does not claim, nor does the record reflect, that she personally met the Beneficiary between March 8, 2014, and March 8, 2016, she has not satisfied the requirements of section 214(d)(1) of the Act.¹

III. CONCLUSION

The Petitioner has not established that she personally met the Beneficiary within two years before filing the fiancé(e) petition. We note, however, that the denial of this fiancé(e) petition is without prejudice to filing another fiancé(e) petition at a future date once the statutory requirements are met.

ORDER: The appeal is dismissed.

Cite as *Matter of N-E-C-U-*, ID# 254403 (AAO Apr. 19, 2017)

¹ In addition, the Petitioner does not state, nor does the record demonstrate, that she is eligible for a discretionary waiver of the in-person meeting requirement.