



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

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

In Re: 8095628

Date: DEC. 30, 2020

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks the admission of the Beneficiary, a citizen of Ghana, as a “K-1” nonimmigrant under the fiancé(e) visa classification at section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i). The Director of the California Service Center (Director) denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), and the matter is now before us on appeal. On appeal, the Petitioner submits a statement and evidence previously in the record. The Administrative Appeals Office reviews 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.

I. LAW

Section 214(d)(1) of the Act provides that a fiancé(e) petition can be approved only if the petitioner establishes, *inter alia*, the parties have previously met in person within two years before filing the fiancé(e) petition. The implementing regulation at 8 C.F.R. § 214.2(k)(2) also requires a petitioner to “establish to the satisfaction of the director that the petitioner and K-1 beneficiary have met in person within the two years immediately preceding the filing of the petition.” The regulation further provides that, as a matter of discretion, the requirement of an in-person meeting between the two parties may be waived 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. *Id.*

The petitioner bears the burden of establishing eligibility pursuant to section 291 of the Act, 8 U.S.C. § 1361, and must establish eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

II. ANALYSIS

The Petitioner filed the instant fiancé(e) petition on December 5, 2018, and is therefore required to have met the Beneficiary in person at some point between that date and December 5, 2016, or to request a waiver of this requirement. On the petition, the Petitioner indicated that he had not met the Beneficiary within the two-year period and requested a waiver of the requirement because he claimed that meeting the Beneficiary in person would cause him extreme financial hardship. In support of this

claim, the Petitioner submitted evidence of his various monthly expenditures, including student loan payments, rent, and utilities, and noted on the petition that traveling to Ghana is expensive. The Director issued a Request for Evidence (RFE), informing the Petitioner that the submitted evidence was insufficient to establish the in-person meeting requirement, and requesting evidence that compliance with the requirement 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. The Director specifically noted that financial hardship may not necessarily be considered extreme hardship without other additional and substantial equities.

In response to the RFE, the Petitioner claimed he would endure extreme financial hardship and submitted copies of his various monthly expenditures. The Petitioner also submitted evidence that he met the Beneficiary in person in May 2019. After reviewing the evidence, the Director denied the petition, concluding that the Petitioner had not established that he met the Beneficiary within the two-year period immediately preceding the filing of the petition or that he should be exempt from this requirement based on his claim of extreme hardship. The Director noted financial hardship alone is not sufficient to establish an exemption to the in-person meeting requirement.

On appeal, the Petitioner claims that he “fulfilled the extreme hardship waiver question with documents . . . included with the initial application but which were not taken into consideration in the final adjudication process.” This claim is belied by the record because the Director’s decision reflects consideration of the Petitioner’s evidence of financial hardship. Like the Director, we recognize the Petitioner has financial expenditures which would have made travelling to Ghana difficult and that international travel may be costly. Nonetheless, as noted by the Director, financial hardship alone does not rise to the level of extreme hardship.

In the end, the Petitioner has not met his burden of establishing that he and the Beneficiary met in person during the required two year period, and we agree with the Director’s determination that the Petitioner is not exempt from the requirement because he has not established that compliance with the requirement would have caused him extreme hardship.¹ As a result, the Beneficiary may not benefit from the instant petition and it remains denied.²

ORDER: The appeal is dismissed.

¹ Because this issue is dispositive of the Petitioner’s appeal, we decline to reach and hereby reserve the Petitioner’s remaining appellate arguments as to why the Director erred in denying the petition. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (providing that “courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where a petitioner or applicant is otherwise ineligible).

² The denial of this petition is without prejudice to the Petitioner’s filing of a new fiancé(e) petition including evidence that he and the Beneficiary met in person within the two years immediately preceding the filing of the petition.