



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

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

In Re: 16973525

Date: JUN 1, 2021

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary under 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 denied the Form I-129F, Petition for Alien Fiancé(e) (fiancé(e) petition), concluding that the Petitioner did not establish that he had met the Beneficiary within the requisite two year period, and further found that he did not provide sufficient evidence to establish the merits of granting him an extreme hardship exemption to the two year meeting requirement. On appeal, the Petitioner submits additional evidence and requests an exemption from the meeting requirement due to his medical condition.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence.<sup>1</sup> We review the questions in this matter *de novo*.<sup>2</sup> Upon *de novo* review, we will withdraw the Director's decision and remand the matter for further action.

## I. LEGAL FRAMEWORK

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1) requires a petitioner to establish that the parties have met in person within two years before the date of filing the petition. 8 C.F.R. § 214.2(k)(2) provides that the Director may exempt the petitioner from his requirement only if it is established that compliance would result in extreme hardship to the petitioner. Factors considered in determining whether an extreme hardship exemption is warranted include, but are not limited to: the petitioner's condition, how the prognosis of the condition is, how long the petitioner is expected to have the condition, whether the condition is likely to improve with treatment and/or medication, what other arrangements the petitioner and the beneficiary have considered to personally meet, and the consequences suffered by the petitioner if he were to travel.

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<sup>1</sup> Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

<sup>2</sup> See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

## II. ANALYSIS

The Petitioner filed this fiancé(e) petition on behalf of the Beneficiary in October 2019. The Petitioner does not dispute the fact that the parties did not meet during the requisite two-year period, but he argues that because of his medical condition, he would suffer extreme hardship if he travelled to the Beneficiary's home country of Sierra Leone.

The record as supplemented on appeal contains sufficient evidence to establish that the Petitioner would suffer extreme hardship if he were to travel to meet the Beneficiary. The Director denied the petition finding that the evidence was insufficient to establish extreme hardship in part because the Petitioner did not submit sufficient medical documentation from his treating physician. The Director also found that the letter provided by his clinical social worker did not provide sufficient details to explain why he could not travel with his condition.

On appeal, the Petitioner submits letters from his treating physicians that describe his high risk of infection if he were to travel due to COVID-19 and other infectious diseases as a result of his chronic medical condition. The letters explain that he was diagnosed with a chronic life-threatening disease in 2016 and that his treatment requires daily dialysis. The letters also provide persuasive details regarding the complexity of traveling with the required machinery, additional equipment, and medication needed to ensure his treatment is uninterrupted. Furthermore, the letters corroborate the lack of availability of comparable treatment in Sierra Leone, which would endanger his life if he were to travel there. The Petitioner also provides a letter from a religious leader in the Beneficiary's Sierra Leonean community confirming that a formal engagement ceremony took place with the Petitioner's brother standing in for the Petitioner since he could not travel. The totality of the evidence establishes that the Petitioner's request for an exemption of the two-year meeting requirement should be granted because traveling would constitute an extreme hardship to the Petitioner.

## III. CONCLUSION

As such, the evidence of record is sufficient to overcome the single ground stated in the Director's decision denying the petition. We will therefore remand the matter to the Director for continued action so that she may ascertain whether any remaining eligibility requirements have been met, and to enter a new decision. The Director may request any additional evidence considered pertinent to the new determination and any other issue. We express no opinion regarding the ultimate resolution of this case on remand.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.