



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 10373588

Date: MAY 27, 2021

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.<sup>1</sup> 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 and did not request a discretionary waiver of the personal meeting requirement.

On appeal, the Petitioner asserts it was her "oversight" to not request a discretionary waiver and provides a letter and documents to substantiate her claim of extreme hardship.

Upon de novo review, we will dismiss the appeal.

## I. LAW

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), 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 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 the beneficiary's arrival. U.S. Citizenship and Immigration Services (USCIS) maintains the discretion to waive the requirement of an in-person meeting between the two parties 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.<sup>2</sup>

The Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication.<sup>3</sup>

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<sup>1</sup> 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).

<sup>2</sup> Id.; 8 C.F.R. § 214.2(k)(2).

<sup>3</sup> See 8 C.F.R. § 103.2(b)(1).

## II. ANALYSIS

The Petitioner filed the fiancé(e) petition on January 4, 2019 and was therefore required to have met the Beneficiary in person between January 4, 2017 and the date of filing, or to have requested a waiver of this requirement. In Part 2 of the fiancé(e) petition, the Petitioner checked “yes” in response to the question regarding whether she had met the Beneficiary during the required two-year period. However, under “additional information” the Petitioner states she spent two weeks with the Beneficiary in September 2016. In a letter filed in support of the petition, the Petitioner acknowledges that the parties had met “a little over 2 years ago.”

The Director’s request for evidence (RFE) notified the Petitioner that she should provide evidence of an in-person meeting between the parties two years prior to the filing date or documentation showing that the Petitioner qualifies for a discretionary waiver of the required meeting. The Petitioner responded with documentation evidencing a visit to Nigeria that occurred in June 2019, a month after the RFE was issued. The Petitioner therefore did not establish she had met the Beneficiary in person within two years before the date of filing the fiancé(e) petition. The Petitioner did not request a discretionary waiver of the required meeting.

On appeal, the Petitioner does not assert that she complied with the in-person meeting within 2 years of filing the petition. Instead, the Petitioner states, “[i]t was hardship/life events that caused me not to file this petition timely [] [a]nd an oversight of the importance of providing evidence of extreme hardship in that 2yr period.” However, the Petitioner was put on notice of this evidentiary requirement in the RFE and given a reasonable opportunity to provide evidence supporting a waiver request. On appeal, she explains she thought the Director “wanted to be very sure that our relationship is not some gimmicks” and that the parties “have recently met.” The Petitioner then provides evidence for the first time on appeal noting, e.g., health and financial difficulties. However, the evidence submitted on appeal does not establish that extreme hardship prevented the Petitioner from meeting the Beneficiary within two years before the date of filing.

As noted above, we may, in our discretion, waive the requirement of an in-person meeting between the parties 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.<sup>4</sup> The Petitioner states she pursued self-development in 2017 and became a student in 2018 but does not explain how these events created extreme hardship preventing her from meeting the Beneficiary. The Petitioner adds that she was “diagnosed with an inconclusive health condition” in October 2018 but does not submit documents to support this statement. Rather, she provides medical documents dated after the filing of the petition.<sup>5</sup> The Petitioner asserts she has two teenage boys to raise without any support system or help from anyone. However, the record establishes that she was awarded child support for her children, and

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<sup>4</sup> The Petitioner has not asserted or shown that an in-person meeting between the parties would violate strict and long-established customs of the Beneficiary’s foreign culture or social practice.

<sup>5</sup> The medical documentation submitted includes an after-visit summary from a hospital dated May 1, 2019 evidencing a thyroidectomy scheduled for February 11, 2020; an undated and unsigned handwritten note on hospital letterhead stating, “surgery is scheduled for June 13th 2019;” an after-visit summary from a hospital dated June 14, 2019 evidencing a scheduled post op visit for June 19th; a letter dated June 14, 2019 from [redacted] stating the Petitioner “has had some health concerns that have affected her mental health as well as class performance” and requests this be “taken into consideration in regards to your policies regarding withdrawing from class(es) or retaking her coursework.”

her ex-husband has visitation rights. While the Petitioner adds she did not have “the funds to travel to Nigeria within the time frame to establish eligibility. . . [or] to file sooner than I did” she does not document or explain the financial factors surrounding her claim of extreme hardship. The Petitioner does describe that her last trip to Nigeria “was made possible by donations and support from [f]amily members,” but it is not clear whether this assistance would have been available to her sooner. For these reasons, the record does not show that compliance with the in-person meeting requirement would result in extreme hardship to the Petitioner and she merits a discretionary waiver of the two year in-person meeting requirement.

### 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 in person meeting is warranted pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). We note, however, that the denial of this petition is without prejudice to the timely filing of another fiancé(e) petition now that the statutory requirement of the in-person meeting has been met.

ORDER: The appeal is dismissed.