



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

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

In Re: 18391821

Date: OCT. 7, 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. *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). 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 provide sufficient documentation of an in-person meeting with the Beneficiary during the two-year period prior to filing the petition or that he merits a discretionary waiver of the personal meeting requirement. On appeal, the Petitioner submits additional evidence to establish that the parties met within the required two-year period.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. *See 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 states that a fiancé(e) petition can be approved only if a 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 a beneficiary's arrival.

The regulations require a petitioner to establish to the satisfaction of the Director that the petitioner and beneficiary have met in person within the two years immediately preceding the filing of the petition. As a matter of discretion, the Director may exempt a petitioner from this requirement only if it is established 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 a petitioner and beneficiary have met within the required period or that compliance with the requirement should be waived shall result in the denial of the petition. 8 C.F.R.

§ 214.2(k)(2). An applicant or petitioner must establish that she or he is eligible for the requested benefit at the time of filing the application or petition. 8 C.F.R. § 103.2(b)(1).

II. ANALYSIS

The Petitioner filed the fiancé(e) petition on May 8, 2020. He did not seek a waiver of the two-year in person meeting requirement. The Director issued a request for evidence (RFE) explaining, in part, that the Petitioner's initial filing did not establish that he and the Beneficiary met, in person, during the required two-year period preceding the filing of this fiancée petition.¹

In response to the Director's RFE, the Petitioner submitted a personal statement in which he explained that he met the Beneficiary two times during a visit to Iran. However, his personal statement lacked pertinent details about these meetings. For instance, his statement does not provide the date of these two meetings or provide any details about what he did with the Beneficiary (other than describing in vague terms that they had dinner during their first meeting). Moreover, the Petitioner's account of his meetings with the Beneficiary conflicts with other evidence in the record.² The Petitioner also provided the flight itinerary for his [redacted] 2019 trip to Iran.

The Director concluded that the Petitioner had not provided sufficient evidence to establish the two-year in person meeting requirement. We agree.

On appeal, the Petitioner submits an updated statement arguing that because of the COVID-19 restrictions on travel, he was unable to see the Beneficiary in 2020 as he had planned.³ While we are sympathetic to the Petitioner's arguments, the regulations nonetheless require evidence of an in person meeting within the two-year period preceding the filing of the petition, in this case May 8, 2018 to May 8, 2020. Furthermore, because COVID-19 related travel restrictions began in early 2020, most of the relevant two-year period was unaffected. As a result, the Petitioner's arguments are not persuasive. The Petitioner also argues that travel is difficult for both individuals because they have demanding careers that do not permit time for travel. This argument is similarly unpersuasive because frequent visits during the relevant two-year period are not required. Thus, the existence of their demanding careers is irrelevant to our inquiry because it does not address the lack of probative evidence to establish the Petitioner met the Beneficiary as claimed. Finally, the Petitioner provides the names and telephone numbers of five people who he claims are aware of his in-person meeting with the Beneficiary during his [redacted] 2019 visit to Iran. However, this list is insufficient to establish

¹ The Director's RFE also notified the Petitioner of several discrepancies related to the Beneficiary's date of divorce and potential misrepresentations she may have made during her tourist visa application process. However, because the Director's decision did not address this issue, we will not focus on it either. That said, the Petitioner should be prepared to address these discrepancies in any future applications he files on behalf of the Beneficiary.

² His RFE response stated "[t]he first time, we met for dinner in the [redacted] hotel at downtown. The [redacted] hotel was close to her home and my parent's home, so we started meeting every day." By contract, on appeal, the Petitioner states that "As [redacted] explained before, He [sic] met [redacted] in a trip that he had about two years ago to Iran. We visited each other two times there and [redacted] told [redacted] that he likes to continue this relationship if she agrees about it." There is simply too much daylight between meeting two times, and meeting every day, to ignore the difference between these two statements. As a result, we decline to assign any significant weight to either statement.

³ The Petitioner submits other documentation on appeal that is not relevant to the issue of whether the Petitioner satisfied the two-year in person meeting requirement. While we may not discuss every document submitted on appeal, we have reviewed and considered each one.

that the two-year in person meeting requirement has been met because it does not provide any details about the specifics of their in-person meetings or how the individuals on this list know that these meetings occurred.⁴

No other probative evidence has been submitted with the appeal to satisfy the Petitioner's burden. Accordingly, the appeal will be dismissed.

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).⁵

ORDER: The appeal is dismissed.

⁴ In general, affidavits from third parties with personal knowledge of the events in question are permissible if a petitioner can show that both primary and secondary evidence are not available. In order to be considered probative evidence, affidavits must be sworn to by persons who were living at the time and who have personal knowledge of the event to which they attest. The affidavits must contain the affiant's full name and address, date and place of birth, relationship to the parties, if any, and complete details concerning how the affiant acquired knowledge of the event. 8 C.F.R. § 103.2 (b)(2)(i).

⁵ This decision is without prejudice to the filing of a new fiancé(e) petition once the Petitioner satisfies the in-person meeting requirement.