



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

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

In Re: 21035233

Date: APR. 8, 2022

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 submit evidence demonstrating that the parties personally met within the two-year period immediately preceding the filing of the petition or that the Petitioner merits a discretionary waiver of the personal meeting requirement.

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

Upon review of the record in its totality, we conclude that the Petitioner has not demonstrated that he merits a discretionary waiver of the two-year personal meeting requirement.

The Petitioner filed the fiancé(e) petition on October 5, 2020. The Form I-129F directly asks whether a petitioner and his fiancée have met in person during the two years immediately preceding the filing of the petition. The Petitioner responded yes to this question and further specified that he and the Beneficiary met online and that they have maintained a relationship for five years, with the Petitioner visiting the Beneficiary in Hong Kong four times. Moreover, the Petitioner included several undated photographs showing him and the Beneficiary together, and included documentation to establish that he traveled to Hong Kong in February and November 2017, and to the Philippines in August 2018. The Petitioner did not request an exemption from the two-year personal meeting requirement or provide any evidence that the personal meeting requirement would cause him extreme hardship.

The Director issued a request for evidence (RFE) explaining that the Petitioner needed to provide additional evidence. The Director's RFE requested proof of the Petitioner having met the Beneficiary between the period October 5, 2018 and October 5, 2020 or evidence to establish either that he qualified for the discretionary extreme hardship exemption or that meeting the Beneficiary would violate the long-established customs of the Beneficiary's foreign culture or social practice. In his response, the Petitioner provided a letter from his attorney, a Hong Kong travel advisory dated June 16, 2021, a printout from the website of the U.S. Consulate in Hong Kong & Macau regarding COVID-19 dated July 9, 2021, printouts of undated video chats between the Petitioner and Beneficiary, Western Union receipts for money sent from the Petitioner to the Beneficiary, and cards and notes exchanged between the parties.

The Director denied the petition, finding the evidence insufficient to establish the two-year personal meeting requirement had been met, or that an extreme hardship exemption was warranted. The Director considered the Petitioner's arguments and claims that travel was difficult due to world events, however, she found the evidence insufficient to establish the Petitioner's burden. The Petitioner claims he last met the Beneficiary in person in September 2018 and that starting in June 2019, civil unrest in Hong Kong made it unsafe to travel there. After that, COVID-19 prevented him from travelling to visit her there. The Director determined that the evidence was insufficient because the Petitioner never requested an extreme hardship exemption. Furthermore, the Director found that since the conditions preventing the Petitioner from traveling were not likely to last a considerable, let alone indefinite, amount of time an extreme hardship exemption was not warranted. Finally, the Director noted that the Petitioner did not address any difficulty in travel prior to June 2019.

On appeal, the Petitioner asserts the Director abused her discretion in denying the Petitioner's request for a discretionary waiver of the two-year personal meeting requirement. The Petitioner reiterates that civil unrest in Hong Kong created unsafe travel conditions for the Petitioner because he could have been subjected to arbitrary arrest, and his life and liberty would have been jeopardized. The Petitioner argues that as a foreigner, he would have been met with suspicion, and easily arrested. The Petitioner reiterates that on the heels of the civil unrest in Hong Kong, the COVID-19 pandemic brought about worldwide travel restrictions. He also provides details about how he and the Beneficiary have kept in touch throughout the period since travel to see one another became difficult. The Petitioner argues that these factors together merit granting him an extreme hardship exemption.

For the following reasons, the evidence is insufficient to establish that an in-person meeting would cause the Petitioner extreme hardship. To begin, the evidence does not address why the Petitioner did not travel to meet the Beneficiary between October 5, 2018 and June 2019, a period of approximately eight months, before civil unrest became a factor in his ability to travel to Hong Kong. Furthermore, the Petitioner does not present any evidence to explain why, even after Hong Kong experienced civil unrest in June 2019, he and the Beneficiary did not meet in a third country. Since the evidence shows the parties met previously outside Hong Kong, it is unclear why they did not meet in a third country prior to the beginning of COVID-19 travel restrictions in early 2020. No explanation is provided as to why such a meeting would have resulted in extreme hardship to the Petitioner.

### 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 personal meeting requirement is warranted pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). The denial of this petition shall be without prejudice to the filing of a new fiancé(e) visa petition once the parties fulfill the two-year personal meeting requirement or establish their eligibility for a discretionary waiver.

**ORDER:** The appeal is dismissed.