



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 20631858

Date: APR. 19, 2022

Appeal of a 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 fiancée to the United States in K-1 status for marriage.

The Director of the California Service Center denied 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, a native and citizen of Iraq, during the two-year period prior to filing the petition or that she merits a discretionary waiver of that requirement. On appeal, the Petitioner submits additional evidence.

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 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. *Id.*; 8 C.F.R. § 214.2(k)(2).

II. ANALYSIS

Upon review of the record in its totality and for the reasons set out below, we conclude that the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a

K-1 nonimmigrant. Specifically, the record does not establish the Petitioner and Beneficiary met in person within the two-year period preceding the filing of the fiancé(e) petition.

The Director issued a request for evidence (RFE) requesting, in part, evidence that the Petitioner and the Beneficiary met in person within the relevant two-year period (December 16, 2018 to December 16, 2020), or that a personal meeting within the relevant period would result in extreme hardship to the Petitioner or violate the Beneficiary's strict and long-established customs, foreign culture, or social practice. The Director stated that such evidence could include, inter alia, copies of travel documents, including tickets and hotel accommodations; photocopies of the parties' passports, including biographical pages and pages showing entry and exit stamps; and affidavits from other individuals who have knowledge of the events the Petitioner is trying to prove.

The Petitioner responded to the RFE with additional evidence, including copies of pages from the Petitioner's passport, affidavits acknowledging the Petitioner's and Beneficiary's engagement, and several November 2020 engagement photos. However, the Director determined that it did not establish that he and the Beneficiary had personally met within the two-year period immediately prior to filing the petition. Although the engagement photos were dated within the requisite two-year period, the Director found that the passport pages did not include any information to establish that they were the Petitioner's and that the dates stamps on the passport were outside the requisite period. Additionally, the Director also found that the submitted affidavits did not meet the requirements for proper submission as outlined in the RFE.¹ Also, the Director noted that the Petitioner did not claim an exemption from the two-year in-person meeting requirement. Therefore, the Director denied the petition.

On appeal, the Petitioner asserts that he has submitted enough evidence to establish he met the Beneficiary within the requisite time frame. The Petitioner states that he and his friend went to Iraq together, met the Beneficiary, and attended the engagement party within the two-year period. To support his claim, the Petitioner submits an affidavit from his friend, his friend's electronic airline ticket receipt, and a photo of him and his friend at the engagement party. In addition, the Petitioner submits other additional evidence, including affidavits from other individuals, the Petitioner's airline booking confirmation, a screenshot showing an October 2020 photo of Beneficiary and Petitioner together, another screenshot photo of the Beneficiary, a more complete copy of the Petitioner's passport with the biography page, and a copy of the Petitioner's naturalization certificate. However, the evidence in the record remains insufficient to establish the Petitioner and the Beneficiary met in person within the two-year period preceding the filing of the fiancé(e) petition.

We acknowledge the November 2020 engagement photos and October 2020 screenshot photo suggesting that the parties may have met in person and within the two-year required timeframe. Although relevant, given the relative ease with which a date can be manipulated on a photo or electronic device, we conclude that the photos alone, are insufficient to establish that the parties met within the requisite two-year timeframe. In other words, the Petitioner has not provided sufficient

¹ The RFE also provided guidelines that each affidavit must contain the following reading the person making the affidavit: (1) his or her full name, address, phone number, date and place of birth; (2) relationship to the Petitioner, if any; (3) complete details concerning how and when she or he acquired knowledge of the fact(s) to which he or she attests; (4) a complete copy of his or her identity document such as a driver's license, state ID card or passport; and (5) any evidence that would help USCIS determine that the Petitioner has met the Beneficiary within the two years.

probative evidence to supplement these dated photos to establish the Petitioner and/or Beneficiary were actually together on the dates indicated in the photos. The other photos submitted on appeal show only the Petitioner or the Beneficiary individually and do not show they have met in person. Although the Petitioner's airline booking confirmation and friend's ticket receipt show their travel itinerary, the Petitioner does not include evidence, such as copies of issued tickets or boarding passes, demonstrating that the travel actually took place. None of the stamps in the Petitioner's passport appear to have been made be within the requisite two-year period except for one illegible stamp bearing an October 2020 date.² Since the stamp is faded and illegible, we cannot determine where the Petitioner traveled or visited the Beneficiary in Iraq.

While the Petitioner's friend asserts in his affidavit that he went to Iraq with the Petitioner to attend his engagement party in October 2020, none of the affidavits submitted on appeal or with the RFE response include a copy of the affidavit writer's identity document and therefore do not follow the guidelines for proper submission as outlined in the Director's RFE. Without this supporting documentation, the affidavits are not persuasive and do not establish the parties met during the requisite two-year period. Even if the Petitioner submitted the affidavits appropriately, six of the seven affidavits do not confirm the Petitioner and Beneficiary actually met in person, and state only that the (1) Petitioner is engaged and/or (2) the writer attended the engagement party.

No other evidence provided by the Petitioner has any bearing on the two-year meeting requirement. Nor does the Petitioner claim exemption from the in-person meeting requirement. For all of these reasons, the Petitioner has not met his burden to establish the parties meet within the required two-year period.

III. CONCLUSION

The Petitioner has not established that the parties 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. As such, the Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. We note, however, that the denial of this petition is without prejudice to the filing of another fiancé(e) petition at a future date once the statutory requirements are met.

ORDER: The appeal is dismissed.

² There also appears to be another faded stamp on the passport, but the text and date, if any, are also illegible.