



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

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

In Re: 21964263

Date: AUG. 29, 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 they are 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 August 31, 2020. As such, the relevant period during which she must establish she and the Beneficiary met is September 1, 2018 to August 31, 2020. In her initial filing, the Petitioner answered yes to question 53 on the Form I-129F regarding whether she and her fiancé met in person during the relevant two-year period. Furthermore, to question 54, she responded “He was renting a room at my mom’s house. We started a good friendship in 2008 and he asked me to be his girlfriend. We’ve been together ever since.” No further specifics were provided to explain whether the Petitioner had met the Beneficiary during the relevant time period or if she was seeking a discretionary exemption from that requirement. With her petition, the Petitioner provided several pages of copies of photographs showing her together with the Beneficiary. Many were labeled as having been taken between 2018 and 2020. However, she did not provide objective evidence of her travel to Mexico to see him such as plane or bus tickets, travel itineraries, or other evidence that they were together during the relevant two-year period.

The Director issued a request for evidence (RFE) explaining, among other things, that the Petitioner had not met the two-year meeting requirement, or established that she merited a discretionary exemption. In her RFE response, the Petitioner provided more photographic evidence to show that she had met the Beneficiary during the relevant two-year period. She did not make any claim of needing a discretionary exemption. The Director denied the petition, in part, because there was insufficient evidence to establish that an in-person meeting had taken place or that the Petitioner had requested (or merited) a discretionary exemption.

On appeal, the Petitioner provides two short statements from individuals claiming personal knowledge of her relationship to the Beneficiary. However, this evidence is insufficient to meet her burden because the statements are vague, and they lack sufficient details to establish that the requisite in-person meeting took place. For example, one statement describes how the couple first met, and that they have been together 13 years, but it does not provide any further details about when the in-person meeting during the relevant two-year period took place. The other statement describes how the parties met, fell in love, and describes the wedding proposal, and states the couple is now engaged. Similarly, this statement does not provide any details about an in-person meeting during the relevant two-year period, either. Because the record still lacks sufficient evidence of an in-person meeting between the parties during the two-year relevant meeting requirement, the record remains insufficient to establish the Petitioner met the Beneficiary in person between September 1, 2018 and August 31, 2020. As such, her petition remains denied.

We note that with the evidence submitted on appeal, the Petitioner appears to have met her burden of showing that her prior marriages, and the Beneficiary’s prior marriages, have been terminated. However, the record appears to contain inconsistencies related to whether the Petitioner also has a criminal record, or if it is just the Beneficiary who has a criminal record. The Petitioner is hereby placed on notice that in any future proceedings she should be prepared to clarify who has criminal records, and to submit documentation regarding the dispositions of each matter.

ORDER: The appeal is dismissed.