



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

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

In Re: 20148871

Date: FEB. 24, 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

The Petitioner filed the fiancé(e) petition on March 17, 2020. As such, the relevant period during which he must establish he and the Beneficiary met is between March 17, 2018 and March 17, 2020. In his initial filing, the Petitioner did not answer question 53 on the Form I-129F regarding whether he and his fiancée met in person during the relevant two-year period. However, to question 54, he responded “Have known [the Beneficiary] since 2004, but not been with her in last two years.” No further explanation was provided to explain why the Petitioner did not meet with the Beneficiary during the relevant time period or if he was seeking a discretionary exemption from the two-year in person meeting requirement.

The Director issued a request for evidence (RFE) explaining, among other things, that the Petitioner had neither met the two-year meeting requirement, nor established that he merited a discretionary exemption. In his RFE response, the Petitioner explained that the reasons the couple had not met during the relevant two-year period were multi-fold. The Beneficiary was on a work contract in Oman, and he was caring for his sister, who was sick, and then died. He further explained that the last time he met with the Beneficiary was in 2014, and described that he knew her and her family well. The Petitioner also explained his continued desire to marry the Beneficiary, and his future financial plans to provide for her after marriage. The Director denied the petition finding that the evidence submitted was insufficient to establish that an in-person meeting had taken place or that the Petitioner merited a discretionary exemption.

On appeal, the Petitioner does not submit any additional evidence but requests that we withhold adjudication of his fiancée petition. He explains that because of COVID-19 travel restrictions in the Philippines, he and his fiancée could not travel there to meet. Unfortunately, we are unable to withhold adjudication, and because the evidence of record remains insufficient to establish he met the Beneficiary in person between March 17, 2018 and March 17, 2020, his petition remains denied.

## 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.