



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

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

In Re: 20600918

Date: MAY 6, 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 sufficient evidence to establish eligibility for a fiancé(e) visa.

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 this fiancée petition in October 2020. On his Form I-129F, he indicated that he and his fiancée met in person during the two years immediately before filing this petition. He provided a short statement explaining that he and the Beneficiary have known each other for many years, reconnected over social media, and became engaged on September 6, 2020. He provided a copy of his passport pages showing that he traveled to Haiti, where the Beneficiary lives, between August 29, 2020 and September 9, 2020. In addition, the Petitioner provided an act of engagement certificate signed by three witnesses attesting to his engagement to the Beneficiary. The Director issued a request for additional evidence (RFE) informing the Petitioner that the evidence he submitted was insufficient to establish, among other things, that the parties met between October 29, 2018 and October 29, 2020, or if they did not meet during this two-year period, that compliance with the two-year personal meeting requirement would result in extreme hardship, or violate strict and long-established customs of the Beneficiary's foreign culture or social practice.

In response to the Director's RFE, the Petitioner re-submitted the same passport pages and act of engagement certificate. He also submitted a letter of intent signed by him, but did not submit a similar letter signed by the Beneficiary. The Director denied the petition, concluding that the Petitioner provided insufficient evidence to establish he met the two-year personal meeting requirement and the Beneficiary's *bona fide* intent to marry him. We agree with the Director's analysis that the act of engagement certificate is not sufficient to establish that the parties met during the required two-year period. The certificate is signed by three claimed witnesses to the engagement, but not by the Petitioner or Beneficiary themselves. In addition, the certificate does not state whether the parties became engaged in each other's presence or where the engagement took place. The certificate lists the date of their engagement as September 6, 2020; however it does not provide sufficient details to establish that the parties actually met or were in each other's presence on that date.

On appeal, the Petitioner provides a short statement on the Form I-290B explaining that his appeal included a letter of intent signed by the Beneficiary and "pictures from our engagement dinner in September of 2020, proving that we have met physically [*sic*] in person." The letter of intent is sufficient to overcome the Director's concerns regarding the Beneficiary's intent to marry the Petitioner. However, while we have reviewed the evidence submitted with his appeal, we find no photographs of the couple. Because the Petitioner has not provided any additional evidence to establish the parties met within the two-year personal meeting period, we must dismiss the appeal because the Director's basis for denial has not been fully addressed.

III. CONCLUSION

The Petitioner has not established that the parties met in person within two-year period preceding 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 petition, therefore, must remain denied. 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.