



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

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

In Re: 22993475

Date: NOV. 29, 2022

Appeal of California Service Center Decision

Form I-129F, Petition for Alien Fiancé(e)

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as his fiancée. Immigration and Nationality Act (the Act) section 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). A U.S. citizen may petition to bring a fiancée to the United States in K nonimmigrant visa status for marriage. The U.S. citizen must establish that the parties have previously met in person within two years before the date of filing the 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 90 days of admission.

The Director of the California Service Center denied the petition, concluding that the record did not establish that the parties had met in person in the two years preceding the filing of the petition or that they were eligible for a discretionary exemption from this requirement.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

### I. LAW

In order to classify a beneficiary as their fiancée, a petitioner must establish, among other requirements, that both parties have met in person in the two years preceding the date of filing the petition. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

As a matter of discretion, U.S. Citizenship and Immigration Services may exempt a petitioner from this requirement only if the petitioner establishes that compliance would result in extreme hardship to the petitioner or if compliance would violate strict and long-established customs of a beneficiary's foreign culture or social practice. 8 C.F.R. § 214.2(k)(2). If requesting an exemption based on a violation of such customs, the petitioner must also establish that any and all other aspects of the traditional arrangements have been or will be met in accordance with the custom or practice. *Id.* Failure to establish that the parties have met in person within the required period or that the requirement should be waived shall result in denial of the petition. *Id.*

## II. ANALYSIS

Since the Petitioner does not claim that he and the Beneficiary met in person in the two years preceding the filing of the petition, the sole issue on appeal is whether he should be exempted from this requirement as a matter of discretion.

The Petitioner filed Form I-129, Petition for Alien Fiancé(e), on December 18, 2020. Therefore, he was required to meet with the Beneficiary in person between December 18, 2018 and December 17, 2020. The Petitioner requested an exemption from this requirement, stating on the Form I-129F that “[i]n the Muslim religion, the couple do not meet prior to the religious ceremony (Nikkah)” and that the COVID-19 pandemic prevented him and his family from traveling to Pakistan safely.

The Director issued a request for evidence (RFE), asking for evidence that meeting the in-person meeting requirement would violate a strict and long-held custom of the Beneficiary’s foreign culture or social practice, as well as evidence showing that any and all other aspects of the traditional marriage arrangements had been or would be met. In response, the Petitioner provided a letter from the [redacted] [redacted] which stated that “the couple and their families have chosen to comply to traditional norms of an arranged marriage in which there is no dating period, and the decision has been confidently made based off alignment of family and personal values.”

The Director denied the petition, finding that record did not establish that the in-person meeting requirement should be waived as a matter of discretion. The denial found that the documentation provided did not establish that complying with the in-person meeting requirement would have violated a strict and long-held custom of the Beneficiary’s culture. It further found that much of the two-year period during which the parties were required to meet took place before the COVID-19 pandemic and the record did not include documentation of any attempts the parties made to meet outside of Pakistan, and so did not establish that complying with the meeting requirement would have caused the Petitioner extreme hardship.

On appeal, the Petitioner submits a letter which contends that “[t]raditional Islamic and cultural practice in Pakistan discourages in-person meetings between single men and women unless in the presence of appropriate third parties” such as their parents. First, we note that the letter from the [redacted] center did not mention any discouragement of unchaperoned in-person meetings, but only said that there is no dating period in traditional arranged marriages. The [redacted] center letter also did not mention any cultural or social practices specific to Pakistan. Second, stating that a practice is “discouraged” does not establish that it violates a custom that is strict and long-held in the Beneficiary’s culture. *See* 8 C.F.R. § 214.2(k)(2). Finally, the materials provided do not establish that the parties are also meeting any and all other aspects of the traditional marriage arrangements because they do not state what those aspects are. *Id.* The Petitioner has not established that complying with the in-person meeting requirement would violate a strict and long-held custom of the Beneficiary’s foreign culture or social practice.

Regarding extreme hardship, the Petitioner’s letter states that “[t]he families of the petitioner and the beneficiary did not agree to the engagement until June 2020” and so “only had approximately four months to arrange an in-person meeting” since the Petitioner filed his petition in December of that

year.<sup>1</sup> The Petitioner further states that he and the family members who would have traveled with him to chaperone the in-person meeting were concerned with the high levels of COVID-19 in Pakistan and the fact that they would have had to transit through a third country since there were no direct flights between the United States and Pakistan at the time.

It is the Petitioner's burden to establish that a waiver of the in-person meeting requirement is merited as a matter of discretion. *Id.* The Petitioner has not met this burden. The letter provided on appeal does not state whether the parties considered meeting outside of Pakistan, and the record includes no supporting documentation of what travel options were considered, what travel restrictions existed at the time, or how, specifically, meeting the Beneficiary in person would have caused the Petitioner extreme hardship. Furthermore, while we acknowledge the Petitioner's statement that arranging travel and accommodations for multiple people would be very costly, the record does not include any documentation establishing his financial situation or what those costs would be, and so it is not possible to determine whether complying with the in-person meeting requirement would cause him financial hardship. The Petitioner must support his assertions with relevant, probative, and credible evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). He has not done so here.

The Petitioner has not established that compliance with the two-year in-person meeting requirement would result in extreme hardship to him or violate strict and long-established customs of the Beneficiary's foreign culture or religious practice. We therefore conclude that the Petitioner has not established that he merits a favorable exercise of discretion to exempt him from the two-year in-person meeting requirement under section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2).

### III. CONCLUSION

The Petitioner has not established that he and the Beneficiary met in person in the two years preceding the filing of the petition or that he should receive an exemption from this requirement in the exercise of discretion. As such, Petitioner has not met the statutory and regulatory requirements for classifying the Beneficiary as a K-1 nonimmigrant. The denial of this petition shall be without prejudice to the filing of a new fiancée visa petition once the parties fulfill the in-person meeting requirement or establish their eligibility for a discretionary exemption.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> As noted by the Director, the COVID-19 pandemic and accompanying travel restrictions did not exist for much of the qualifying two-year period. The fiancée visa regulations give the parties two years to meet in person. 8 C.F.R. § 214.2(k)(2). The parties failed to do so here.