



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

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

In Re: 21617753

Date: SEP. 12, 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 November 16, 2020. As such, the relevant period during which he must establish he and the Beneficiary met is between November 16, 2018 and November 16, 2020. In his initial filing, the Petitioner answered question 53 on the Form I-129F, which asks whether he and his fiancée met in person during the relevant two-year period, in the affirmative. In response to question 54, he responded, in verbatim, as follows:

I've met my current fiancée [name of Beneficiary] during my family visit to Chad in OCTOBER/NOVEMBER 2018 in person through friends. Since my return to the states in mid-November 2018, we have been in touch constantly via a variety means of communication (Part 8) such as Whatsapp . . . mainly Facebook messenger as a cost-free tool . . . I was initially planning a trip this year 2020 to visit her until the COVID19 Pandemic hit, thus shutting down the planned travel to Chad. After two (2) years of long distance dating, we both agree that I, the Petitioner engage the processes of filing for the fiancée visa . . . is the legitimate way for us to reunite and once my fiancée . . . is admitted to the USA, within her 90 days in [redacted] (Oregon), we intend to marry in order for her to pursue adjustment of status to lawful permanent resident in USA and start a family. I already purchased a wedding ring for the circumstance and a photo of it is enclosed in the document.

The Director issued a request for evidence (RFE) explaining, among other things, that the Petitioner had not satisfied the two-year meeting requirement, and providing him an opportunity to submit relevant evidence. In his RFE response, the Petitioner did not establish that he and the Beneficiary met during the relevant two-year period. Nor did he establish that discretionary application of the waiver was merited. As such, the Director denied the petition finding the evidence insufficient to establish that an in-person meeting had taken place or that the Petitioner had requested a discretionary exemption.

On appeal, the Petitioner explains that he was unable to travel to Chad in 2020 because of the COVID-19 pandemic, and that travel to Chad would have caused him extreme hardship because he works in the healthcare industry. He further explains that because of COVID-19 travel restrictions in the United States and Chad, he and his fiancée could not travel to meet. While we are sympathetic to the Petitioner's experience as a healthcare worker during the COVID-19 pandemic, his statement is not sufficient to establish that he merits an extreme hardship exemption to the two-year in person meeting requirement. We do not question his claimed inability to travel during that portion of the relevant two-year period that overlapped with the pandemic. However, the COVID-19 pandemic and travel restrictions did not begin until approximately March 2020, which covers less than half of the relevant two-year period (November 16, 2018 to November 16, 2020). The Petitioner has not explained with sufficient detail why the couple could not meet between November 2018 and March 2020.

We acknowledge that the Petitioner has established that he and the Beneficiary met prior to the two-year relevant period, and that he also traveled to visit her after he filed the petition. However, because the statutory and regulatory requirement of meeting within the two-year period prior to filing the petition has not been met, and the Petitioner has not established that satisfying this requirement would cause him extreme hardship, 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). We do emphasize, however, that 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.