



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

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

In Re: 21617813

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 sufficient 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 January 7, 2021. As such, the relevant period during which she must establish she and the Beneficiary met is January 7, 2019 to January 6, 2021. 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 “I met him in person on 11/02/2020 in Iran. I can provide photos.” While the Petitioner provided two photographs of the couple together, it was not apparent when they were taken, let alone whether it was 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 a personal statement explaining that she went to Iran to visit the Beneficiary and formulate a plan for him to obtain a visa in Turkey to enter the United States so they could marry. She also provided a few photographs of her and the Beneficiary together at the airport. Though she asserted that she was also providing her airline ticket, it was not submitted. 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 (let alone merited) a discretionary exemption.

Though the Petitioner submits additional evidence on appeal, it does not satisfy her burden. For example, the copies of her Iranian and U.S. passport biographic facepages do not establish she met the Beneficiary between January 7, 2019 and January 6, 2021. The same is true of the page from her passport showing two entry and two exit stamps: we are unable to ascertain what the stamps mean since they are in a foreign language with no English translation. Nor does the copy of a COVID-19 test taken July 11, 2021 establish the requisite in person meeting requirement. Finally, the evidence regarding a trip she took to Iran from September 14, 2021 to November 9, 2021 are insufficient to meet her burden because it took place after the filing of her petition, and not in the two-year period prior to filing her fiancé petition.

On appeal, the Petitioner provides statements from the couple as evidence of the parties’ mutual intent to marry within 90 days of the Beneficiary entering the United States. This evidence appears to establish her burden of proving the parties intent to marry. However, because the record remains insufficient to establish the Petitioner met the Beneficiary in person between January 7, 2019 and January 6, 2021, her petition will remain denied.

ORDER: The appeal is dismissed.