



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

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

In Re: 26270964

Date: APR. 10, 2023

Appeal of California Service Center Decision

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

The Petitioner seeks to classify the Beneficiary as their K-1 nonimmigrant fiancée. Immigration and Nationality Act (the Act) section 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i). The Petitioner must establish that the couple met in person in the two-year period preceding the petition's filing, 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. Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Petitioner and the Beneficiary had met in person in the two years preceding the filing of the petition or that they qualified for a waiver of this requirement. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

In order to classify a beneficiary as their fiancée, a petitioner must establish, among other things, 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. 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. 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. 8 C.F.R. § 214.2(k)(2).

The Form I-129F, Petition for Alien Fiancée, was filed on February 27, 2020. Therefore, the Petitioner and Beneficiary were required to meet in person between February 27, 2018, and February 26, 2020. The Petitioner initially requested a waiver of the in-person meeting requirement based on extreme hardship, stating that he was unable to travel to Syria to meet the Beneficiary because his son had passed away, and that the Beneficiary could not come to the United States due to the war in Syria and

the difficulty of obtaining a visa. He further stated that he was busy maintaining his relationship with his two other children, and that the Beneficiary was caring for her disabled sister.¹

The Director issued a request for evidence for, among other things, documentation to show that the Petitioner should be granted a waiver of the in-person meeting requirement as a matter of discretion.² In response, the Petitioner provided a letter stating that while he'd planned to go to Syria in 2018, his son passed away at this time and the Petitioner was unable to travel. He states that after this point, he was unable to travel to Syria due to the war there, as well as the COVID-19 pandemic. The Director denied the petition, noting that pandemic-related travel restrictions only began after the relevant two-year period and that the evidence did not show why the parties could not meet in a country other than Syria, and concluding that the Petitioner had not established that complying with the in-person meeting requirement would cause him extreme hardship.

On appeal, the Petitioner provides another letter, stating that he was unable to travel during the relevant two-year period due to being on probation through March 2021. To support this claim, he provides a March 2018 minute order documenting his criminal conviction and sentence of three years of probation. This document also includes the terms of the probation, which indicate that the Petitioner could not leave his state of residence without his probation officer's permission. However, there is no indication that the Petitioner was completely forbidden to travel. There is also no evidence that he requested permission to travel and was denied. This does not support the Petitioner's claim that he was unable to travel due to his criminal probation.

We acknowledge that the war in Syria has discouraged the Petitioner from travelling there. However, as noted by the Director, the Petitioner has not addressed whether he and the Beneficiary have attempted to meet in the United States or a third country, aside from stating that getting a visa would be difficult for the Beneficiary. The Petitioner does not indicate that the Beneficiary has actually tried to obtain a visa and been denied. The record is insufficient to establish that compliance with the in-person meeting requirement would cause the Petitioner extreme hardship.

Finally, the Petitioner requests more time to meet the Beneficiary in person. However, the in-person meeting requirement must be fulfilled in the two years preceding the filing of the fiancée petition. 8 C.F.R. § 214.2(k)(2). The Petitioner has not established that he and the Beneficiary fulfilled this requirement or that he should receive an exemption from it in the exercise of discretion. As such, the 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.

¹ The Petitioner does not claim, and the evidence does not establish, that complying with the in-person meeting requirement would violate strict and long-established customs of the Beneficiary's culture.

² The record indicates that the Petitioner has been convicted of a "specified crime" under the International Marriage Broker Regulation Act (IMBRA), which is part of the Violence Against Women and Department of Justice Reauthorization Act, Pub. L. 109-162, 119 Stat. 2960 (2006). Therefore, the Director requested complete certified court and police records for all of the Petitioner's criminal and relevant traffic cases. The Petitioner only submitted non-certified court records related to one of his criminal cases. To comply with IMBRA, the Petitioner must submit complete certified copies of all relevant police and court records with any future filings in this matter.

ORDER: The appeal is dismissed.