



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

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

In Re: 27693175

Date: AUG. 30, 2023

Appeal of California Service Center Decision

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

The Petitioner seeks to classify the Beneficiary as his 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). For this classification, the Petitioner must establish that the couple met in person during 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 parties had met in person in the two years preceding the filing of the petition or that the Petitioner qualified for an exemption from this requirement in the exercise of discretion. 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 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 (USCIS) may exempt a petitioner from this requirement only if the petitioner establishes 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 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).

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 Form I-29F, Petition for Alien Fiancé(e) in this case was filed on August 30, 2021. Therefore, the Petitioner and Beneficiary were required to meet in person between August 30, 2019, and August 29, 2021. The Petitioner stated that complying with the in-person meeting requirement would cause him extreme hardship due to the COVID-19 pandemic and provided documentation regarding visa and travel restrictions to Laos, where the Beneficiary resides.¹ The Director denied the petition, finding that the Petitioner did not support his claim with sufficient evidence establishing how the pandemic would cause him extreme hardship if he were to meet with the beneficiary in person.

On appeal, the Petitioner provides a letter stating that he could not visit the Beneficiary from 2020 to 2021 because Laotian travel restrictions meant he could not obtain a visa. He also states that he visited the Beneficiary in person in June 2022 after these travel restrictions ended.

We acknowledge that the Petitioner and Beneficiary have had a long relationship and met in person many times both before and after the relevant two-year period. However, section 214(d)(1) of the Act and 8 C.F.R. § 214.2(k)(2) require the parties to meet in person in the two years preceding the filing of the fiancée visa petition unless the petitioner can establish that this requirement should be waived as a matter of discretion.

The Laotian COVID-19 lockdown orders submitted by the Petitioner are dated March 29, 2020, several months after the relevant two-year period began. The Petitioner has not provided an explanation as to how meeting with the Beneficiary between August 2019 and March 2020 would have caused him extreme hardship. There is also no documentation of how long the lockdown orders lasted. It is therefore not apparent whether the parties could have met in the United States or a third country during the relevant two-year period. Additionally, while the Petitioner provided documentation indicating that Laotian diplomatic missions suspended the issuance of visas through May 2020, he did not provide any evidence beyond that period. This evidence does not establish that meeting the Beneficiary in person during the relevant two-year period would have caused the Petitioner extreme hardship.

The Petitioner has not established that he and the Beneficiary have fulfilled the two-year in-person meeting requirement or that he should receive an exemption from it in the exercise of discretion. Therefore, he 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.

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-held customs of the Beneficiary's foreign culture or social practice.