



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

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

In Re: 24058884

Date: JAN. 13, 2023

Appeal of California Service Center Decision

Form I-129, 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 petition, concluding that the record did not establish that the parties had met within the two year period immediately preceding the filing of the fiancée petition. 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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

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).

The Petitioner filed this fiancée petition on March 23, 2021. On her Form I-129F, she indicated that she and her fiancée had met in person during the two years immediately before filing this petition. However, she did not provide any details of their meeting(s). The Director issued a request for additional evidence (RFE) requesting, among other things, evidence that the parties had met during the period between March 23, 2019 and March 23, 2021, or if they did not meet during this two-year period, evidence that compliance with the two-year personal meeting requirement would result in extreme hardship, or violate strict and long-established customs of the Beneficiary's foreign culture or social practice.

In response to the Director's RFE, the Petitioner submitted undated photographs showing that she had been with the Beneficiary. The Director denied the petition, concluding that the Petitioner provided insufficient evidence to establish the two-year personal meeting requirement.

On appeal, the Petitioner provides additional evidence including several more photographs, which include the dates the photographs were taken. Several of these photographs were taken during the relevant two-year period. We note that government records further establish that the Petitioner has traveled to Mexico, where the Beneficiary lives, during the relevant two-year period. As such, we find the evidence sufficient to establish the parties have met the two-year personal meeting requirement.

The matter will be remanded to the Director to consider the documentation submitted on appeal and to enter a new decision. The Director may request any additional evidence considered pertinent to the new determination, and we express no opinion regarding the ultimate resolution of this case on remand.

**ORDER:** The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.