



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

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

In Re: 24745056

Date: JAN 31, 2023

Appeal of California Service Center Decision

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

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Petitioner had met the Beneficiary within the two year period immediately preceding the filing of the petition. The Director further determined that the evidence was insufficient to establish the merits of granting him an extreme hardship exemption to the two year meeting requirement. On appeal, the Petitioner submits additional evidence and requests an exemption from the meeting requirement due to his medical condition. 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.

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1) requires a petitioner to establish that the parties have met in person within two years before the date of filing the petition. 8 C.F.R. § 214.2(k)(2) provides that the Director may exempt the petitioner from his requirement only if it is established that compliance would result in extreme hardship to the petitioner. The regulation does not define what may constitute extreme hardship to the petitioner. Therefore, each claim of extreme hardship must be judged on a case-by-case basis taking into account the totality of circumstances.

The Petitioner filed this fiancé(e) petition on behalf of the Beneficiary in January 2021, and he does not dispute the fact that the parties did not meet during the requisite two-year period, but argues that because of his medical condition, he would suffer extreme hardship if he travelled.

The Director denied the petition finding that the evidence was insufficient to establish extreme hardship because the Petitioner did not submit corroborating evidence to support the doctor's statement that "traveling outside the country will risk [the Petitioner's] life." The Director also pointed out that the regulation does not require the petitioner to travel to meet the beneficiary. Instead, the

requirement to meet simply states that the parties “shall establish” that they met during the required period.

On appeal, the Petitioner submits corroborating medical evidence to establish that he is an 80-year old man with a pacemaker, who suffers from a serious heart condition. The record as supplemented on appeal contains sufficient evidence to establish that the Petitioner is unable to travel to meet the Beneficiary. However, the Petitioner has not established or provided any information to address the Beneficiary’s ability to travel to visit him. As such, the totality of the evidence fails to establish that the Petitioner’s compliance with the meeting requirement would result in extreme hardship or would violate strict and long-established customs of the beneficiary's foreign culture or social practice.

The evidence of record is insufficient to establish the Director erred and the petition remains denied.

ORDER: The appeal is dismissed.