



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

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

In Re: 27520112

Date: JUL. 24, 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 met in person in the two years prior to the filing of the petition or that the Petitioner should receive a waiver of 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 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).

The Petitioner filed Form I-129F on August 18, 2021. Therefore, he and the Beneficiary were required to meet in person between August 18, 2019, and August 17, 2021. The Petitioner initially stated that the parties had last met in person from August 1, 2019, to August 13, 2019, which is outside the relevant two-year period. He did not indicate any reason he should receive a waiver from the in-person meeting requirement. In response to the Director's request for evidence, the Petitioner provided

evidence that the parties met in person in October 2021 and in 2022. However, the in-person meeting requirement must be fulfilled in the two years preceding the filing of the petition. 8 C.F.R. § 214.2(k)(2). Because none of the in-person meetings between the parties took place during the relevant two-year period, the Director denied the petition.

On appeal, the Petitioner provides a receipt for his August 1, 2019 flight to Canada to see the Beneficiary. However, as noted by the Director, this meeting took place outside the relevant two-year time period and therefore cannot establish eligibility. *Id.* The Petitioner has not provided evidence that he and the Beneficiary met in person during the relevant two-year period or that he should receive a waiver of this requirement 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.

ORDER: The appeal is dismissed.