



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

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

In Re: 26712896

Date: JUN. 16, 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 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 the Beneficiary's 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 preceding 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 (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).

The Petitioner filed Form I-129F, Petition for Alien Fiancé(e), on July 11, 2021. Therefore, he and the Beneficiary were required to meet in person between July 11, 2019, and July 10, 2021. The record indicates that the parties have not met in person since 2018. Furthermore, the Director concluded that the Petitioner had not claimed that complying with the in-person meeting requirement would cause him extreme hardship or that it would violate strict and long-established customs of the Beneficiary's

foreign culture or social practice. Because the Petitioner did not establish that he had complied with the two-year meeting requirement or that he should receive a waiver of it in the exercise of discretion, the Director denied the petition.

On appeal, the Petitioner states that he and the Beneficiary have been in a relationship since before he moved to the United States, own land together in Ghana, and intend to get married. He also repeats his prior claims that he intended to visit the Beneficiary in 2020 but did not go due to travel restrictions associated with the COVID-19 pandemic, and that he did not visit the Beneficiary at any other point because he was waiting for the prior fiancée visa petition he had filed on the Beneficiary's behalf to be processed and did not want to leave the country for fear of missing a notice from USCIS. In support of the appeal, the Petitioner submits letters from family members and a regional imam, a map of land in Ghana, and parts of the Beneficiary's phone call history from 2018 to 2022.

The record indicates that the Petitioner and Beneficiary met in person in Ghana in 2018. The Petitioner then filed a fiancée petition on the Beneficiary's behalf, which was approved by USCIS in 2019. However, after the Beneficiary's consular interview, the Department of State refused her visa, and the petition was terminated in June 2021. The Petitioner then filed the current petition despite the fact that it had been over two years since he and the Beneficiary had last met in person. While the Petitioner states reasons for not meeting the in-person meeting requirement in his petition and on appeal, he does not specify what extreme hardship he would undergo if he complied with the requirement. The COVID-19 pandemic did not begin until several months into the relevant two-year period, and the Petitioner provided no documentation of travel restrictions to Ghana during this time to establish that these restrictions caused him extreme hardship. The Petitioner also did not state whether he could have taken measures to ensure he would not miss any USCIS notice regarding his prior petition, such as checking his case status on the USCIS website or asking someone to monitor his mail while he travelled. It is not apparent from the evidence provided what extreme hardship the Petitioner would undergo if he complied with the in-person meeting requirement. Since the Petitioner also does not claim that complying with the requirement would violate strict and long-established customs of the Beneficiary's foreign culture or social practice, we cannot grant him a waiver of the two-year meeting requirement in the exercise of discretion.

Beyond the decision of the Director, we note that the record includes contradictory information about the parties' relationship history, which raises doubts as to whether they have a bona fide intention to marry as required by Section 214(d)(1) of the Act. In the petition and on appeal, the Petitioner and Beneficiary state that they began their relationship in Ghana before the Petitioner moved to the United States in 2012. However, in her 2020 consular interview, the Beneficiary stated that she met the Petitioner for the first and only time in 2018 when he visited Ghana.

Where there are contradictions in the record, it is the Petitioner's burden to resolve these inconsistencies with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). The Petitioner has not provided such evidence here. The screen captures provided with the petition are for undated online chats with contacts called "Sweetheart" and "[redacted]"¹, which are not the names of the parties. The Beneficiary's call

¹ This is a combination of the Petitioner's first name and the Beneficiary's last name. It is not apparent from the evidence provided to whom this refers.

history provided on appeal begins in 2018. The letters and affidavits of support provide no details about the parties' relationship, but simply state that the writers were aware of its existence prior to when the Petitioner moved to the United States. The land map provided on appeal indicates that it was drawn up for the Petitioner and Beneficiary, but does not indicate that they own the land together, as claimed by the Petitioner. Because none of the evidence of the relationship predates 2018, it does not resolve the contradictions regarding the parties' relationship history. This raises doubts as to whether the parties have a bona fide intention to marry. *Id.* at 591 ("Doubt cast on any aspect of the petitioner's proof may . . . lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition."). As such, the Petitioner should address these contradictions in any future filings in this matter.

The Petitioner has not met the regulatory and statutory requirements for classifying the Beneficiary as a K-1 nonimmigrant. The petition will remain denied.

ORDER: The appeal is dismissed.