



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

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

In Re: 27546134

Date: SEP. 18, 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 Petitioner and Beneficiary 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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

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 the petition was filed and have a bona fide intention to marry. Section 214(d)(1) of the Act. A bona fide marriage cannot be for the sole purpose of obtaining an immigration benefit.

As a matter of discretion, U.S. Citizenship and Immigration Services (USCIS) may exempt a petitioner from the in-person meeting 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 issue on appeal is whether he should be exempted from this requirement as a matter of discretion.

The Form I-129F, Petition for Alien Fiancé(e) in this case was filed on October 20, 2021. Therefore, the Petitioner and Beneficiary were required to meet in person between October 20, 2019, and October 19, 2021. In his initial filing, the Petitioner stated that he and the Beneficiary had met in person in the Philippines on December 28, 2018, and provided a copy of a passport stamp indicating that he departed the Philippines on January 18, 2019. Since this meeting took place outside of the relevant two-year time period, the Director issued a request for evidence (RFE) requesting documentation showing that the parties had complied with the in-person meeting requirement or that the Petitioner should receive a waiver of it in the exercise of discretion.

In response to the RFE, the Petitioner provided a statement and a doctor's letter discussing the Petitioner's November 2019 cancer diagnosis and subsequent treatment regime. The Director denied the petition, stating that the Petitioner did not submit evidence "to show in good faith that the beneficiary attempted any methods to meet." The Director also stated, without further analysis, that the Petitioner had "not established eligibility for the exemption under 8 CFR 214.2(k)(2) to warrant the favorable exercise of the Director's discretion to waive this requirement."

An officer must fully explain the reasons for denying a visa petition in order to allow the Petitioner a fair opportunity to contest the decision and allow us an opportunity for meaningful appellate review. *See* 8 C.F.R. § 103.3(a)(1)(i); *see also Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (stating that the reasons for denying a motion must be clear to allow the affected party a meaningful opportunity to challenge the determination on appeal). Here, the Director's denial did not discuss the contents of the Petitioner's RFE response beyond listing what documents were provided, and therefore did not fully explain why these documents were insufficient to establish eligibility for a waiver of the in-person meeting requirement. As such, we will remand the matter for the issuance of a new decision which fully examines the provided evidence and analyzes whether the Petitioner should receive a waiver of the in-person meeting requirement in the exercise of discretion.

Furthermore, beyond the decision of the Director, we note that the record does not contain sufficient evidence to establish that the parties have a bona fide intention to marry. The Petitioner's statement on Form I-129F states that he met the Beneficiary in late December 2018 in the Philippines, and that after he returned to the United States he "made a lot of long distance call[s]" until he fell in love with her. On appeal, he states that he and the Beneficiary have been in a romantic relationship since Valentine's Day of 2020, that he supports her financially by sending her money every two weeks, and that they speak on the phone every day. However, the record does not contain any corroborating documentation of communication between the parties or of the Petitioner's financial support of the Beneficiary.

Beyond the Petitioner's brief statements, the only evidence of the parties' relationship consists of one photograph of the parties together, one photograph of their engagement rings, one photograph of the Beneficiary wearing her engagement ring, and a letter of intent to marry purportedly signed by both parties and accompanied by a notary statement but no notary stamp or signature. Because the record contains only minimal information about the history of the parties' relationship, no documentation of

any communication between them, and no statement of an intention to marry that is verifiably from the Beneficiary, it is insufficient to establish that the parties have a bona fide intention to marry within 90 days of the Beneficiary's admission into the United States. As the Director did not previously address this issue, we will remand the matter for this additional reason.

The Director may request any additional evidence pertinent to the new determination and any other issues. 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.