



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

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

In Re: 29468065

Date: FEB. 28, 2024

Appeal of California Service Center Decision

Form I-129F, 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 Petitioner did not submit sufficient evidence to establish that the parties personally met within the two-year period immediately preceding the filing of the petition or that the Petitioner merits an extreme hardship discretionary waiver of this requirement. 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 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 parties 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).

Upon review of the record in its totality, we conclude that the Petitioner has not demonstrated that he merits a discretionary waiver of the two-year personal meeting requirement.

The Petitioner filed the fiancé(e) petition on September 7, 2021 indicating that he and the Beneficiary had met during the two-year period immediately before the filing of the petition. The relevant two-year period during which the Petitioner must establish he met the Beneficiary is September 7, 2019 and September 7, 2021. The Petitioner's passport showed that he had last traveled to the Beneficiary's country of residence, Haiti, between August 11, 2019 and September 1, 2019, which is outside the two-year period. The Director issued a request for evidence explaining, among other things, that additional evidence was needed to establish he met the two-year personal meeting requirement, or that he merits a discretionary waiver of the two-year personal meeting requirement. In response, the Petitioner provided a personal statement explaining that complying with the in-person meeting requirement would result in extreme hardship to him because of the travel restrictions accompanying the COVID-19 pandemic and Haiti's high crime rate, which targets visitors. The Director denied the petition finding the evidence insufficient to establish he merited an extreme hardship exemption.

On appeal, the Petitioner provides a personal statement, and copies of his passport showing his entry and exit stamps in 2015, 2016, 2017, 2018, and 2019. We note that the passport included entry and exit stamps for a trip to Haiti between February 3, 2023 and February 7, 2023, which is after the relevant two-year period. He also provides an undated photograph of him and the Beneficiary together, as well as articles discussing Haiti's crime and personal security issues. The Petitioner's statement explains that between 2015 (when he met the Beneficiary) and the COVID-19 pandemic, he traveled to Haiti to visit her, however he asserts he would have suffered extreme hardship if he had traveled to Haiti in the two-year period before filing the petition because of COVID-19's travel restrictions and Haiti's political unrest, gang violence, and the threat of kidnappings after the travel restrictions were lifted. He asserts that during his February 2023 trip to Haiti, he stayed in the vicinity of the airport because it is too dangerous to travel into the country.

We acknowledge that the Petitioner has established that he and the Beneficiary have personally met before and after the relevant two-year period. We further acknowledge that the Petitioner had personal safety concerns that discouraged him from travelling to Haiti and that COVID-19's travel disruptions impacted a part of the relevant two-year period. However, the evidence is insufficient to find that compliance with the two-year in person meeting requirement would have caused him extreme hardship. First, the Petitioner traveled to Haiti a few weeks before the two-year period commenced, in 2019, and secondly, he traveled after the two-year period, both times without apparent incident. Furthermore, the COVID-19 pandemic's travel restrictions did not encompass the entire two-year period, and he has not provided sufficient evidence to explain why he could not meet her after travel restrictions were lifted, or before they commenced in March 2020. Finally, as the Director pointed out, the Petitioner has not provided any explanation or evidence to understand why the parties could not meet in a third country during the relevant two-year period.

Because the statutory and regulatory requirement of meeting within the two-year period prior to filing the petition has not been met, and the Petitioner has not established that satisfying this requirement would cause him extreme hardship, his petition remains denied. We emphasize, however, that denial of this petition shall be without prejudice to the filing of a new fiancé(e) visa petition.

ORDER: The appeal is dismissed.