



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

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

In Re: 30869899

Date: JUN. 3, 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 the Petitioner did not submit evidence to establish the parties met within the two-year period immediately preceding the filing of the petition or that the Petitioner merits an extreme hardship discretionary exemption of this requirement. The matter is now before us on appeal pursuant to 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.

I. LAW

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 petitioner and beneficiary 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 they are eligible for the requested benefit at the time of filing the application or petition. 8 C.F.R. § 103.2(b)(1).

II. ANALYSIS

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

The Petitioner filed the fiancé(e) petition on March 25, 2022, thus the relevant time period in which he must show he and the Beneficiary met is between March 25, 2020 and March 24, 2022. In his initial filing, the Petitioner explained he had not met the Beneficiary in person because he did not feel safe traveling to her home country due to “the war and the unrest that is happening in [Ethiopia].” The Director issued a request for evidence (RFE) explaining that because the Petitioner’s initial evidence did not establish, he met the two-year personal meeting requirement, additional evidence was required or in the alternative, he could provide evidence to establish that complying with the two-year meeting requirement would result in extreme hardship.¹

In response, the Petitioner provided photographs of him and the Beneficiary together as well as flight itineraries and passport stamps showing that he traveled to and from Asmara, Ethiopia to Dubai, UAE from August 14, 2022 to August 17, 2022, and that the Beneficiary traveled to and from Asmara, Ethiopia to Dubai, UAE from August 4, 2022 to August 23, 2022. This trip took place after the relevant two-year period. The Petitioner also provided a statement in which he explains that he could not travel to Ethiopia because of the Tigray War and that his family and friends advised him not to travel due to the personal safety risks. He noted that the war lasted longer than expected and that eventually, he and the Beneficiary decided to meet in a third country, so they traveled to the UAE.²

The Director denied the petition concluding that although the parties appeared to meet outside the two-year window, this meeting did not satisfy the regulatory and statutory requirements under the Act, and explained that the Petitioner was not required to meet the Beneficiary in her home country to satisfy this requirement.

On appeal, the Petitioner’s statement reiterates that he could not travel to Ethiopia due to the war and unrest during the relevant two-year period, and that at the beginning of 2022, the Beneficiary “was in a concentration camp because of her Ethnicity,” but that when it was safe, they traveled to meet in the

¹ The Director’s RFE also explained that the initial evidence did not establish the parties’ intent to enter a bona fide marriage because the Beneficiary did not provide a statement of intent to marry the Petitioner.

² The Petitioner’s RFE response also explains that since no family or friends were with him and the Beneficiary in the UAE, the parties did not have an engagement ceremony, and instead plan to wed in the United States upon the Beneficiary’s entry. The Petitioner also provided evidence to establish he has sent money to the Beneficiary in Ethiopia. We note however that the Petitioner’s remittances all appear to have taken place after the filing of this petition. Because the Petitioner’s burden is to establish the parties’ have a bona fide intent to marry at the time of filing the petition, these monetary transfers are insufficient to meet his burden. *See Matter of Chawathe*, 25 I&N Dec. at 375-76.

UAE.³ We acknowledge the Beneficiary's home country has experienced war,⁴ however the Petitioner's statements lack sufficient details to understand the Beneficiary's whereabouts during the relevant two-year period or that compliance with the personal meeting requirement would result in extreme hardship. *See Matter of Chawathe*, 25 I&N Dec. at 375-76. For the first time on appeal, the Petitioner states the Beneficiary was in a concentration camp "at the beginning of 2022," but he does not explain during what exact period of time she was there, how she was released, and how she was able to travel to the UAE in August 2022. *Id.* Furthermore, we note the Petitioner's Form I-129F stated the Beneficiary was working as a hospital worker from January 1, 2019 until the date of filing, March 25, 2022, thus, his statement that she was in a concentration camp at the beginning of 2022 appears to conflict with the information he provides in the fiancée petition. *Id.*

III. CONCLUSION

As such, and for the foregoing reasons, the Petitioner has not established that compliance with the personal meeting requirement would result in extreme hardship and that he merits a discretionary exemption of this requirement.

ORDER: The appeal is dismissed.

³ On appeal, the Petitioner also provides the Beneficiary's statement of intent to marry the Petitioner within 90 days of her arrival. However, we note that the Beneficiary's statement creates an ambiguity in the record because she refers to the Petitioner as [redacted] whereas all other documentation in the record shows the Petitioner's name to be [redacted]. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (standing for the proposition that any inconsistencies in a petitioner's evidence may lead to reevaluation of the remaining evidence offered in support of the visa petition.) This ambiguity casts further doubt about the parties' bona fide intent to marry. Moreover, the record contains insufficient evidence to establish the parties' bona fide intent to marry because no information has been provided to establish how the parties met, and when or why they decided to get married. Furthermore, as noted above, there is a general lack of detail regarding the Beneficiary's whereabouts in early 2022, when the Petitioner filed the petition. As such, the totality of the record does not provide a sufficiently detailed timeline of the parties' bona fide intent to marry to meet the Petitioner's burden.

⁴ Public source information establishes that Ethiopia's Tigray War lasted from November 3, 2020 to November 2, 2022 and that it primarily took place in the country's Tigray Region. *See* <https://www.bbc.com/news/world-africa-54964378>.