



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

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

In Re: 29696929

Date: MAR. 18, 2024

Appeal of California Service Center Decision

Form I-129F, Petition for Alien Fiancé(e)

The Petitioner, a U.S. citizen, seeks classification of the Beneficiary under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K)(i).

The Director of the California Service Center denied the petition, concluding that the record did not establish that the parties met within the two-year period immediately preceding the filing of the petition. The Director further determined that the evidence was insufficient to establish the merits of granting him an exemption to the meeting 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.

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1) requires a petitioner to establish that the parties have met in person within two years before the date of filing the petition. The regulation at 8 C.F.R. § 214.2(k)(2) provides that the Director may exempt a petitioner from this requirement only if it is established that compliance would result in extreme hardship to him. The regulation does not define what may constitute extreme hardship. Therefore, extreme hardship exemption requests must be judged on a case-by-case basis considering the totality of circumstances.

The Petitioner filed this fiancé(e) petition on January 14, 2022, thus the relevant two-year period is from January 14, 2020 to January 13, 2022. 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 sole issue on appeal is whether he should be exempted from this requirement as a matter of discretion.

On the Form I-129F, the Petitioner provided the following statement in support of his extreme hardship exemption request:

“We haven’t physically met in the last 2 years due to the Covid-19 that countries did not allow foreign travel. I travel to China on a quarterly basis. In addition, we have

taken international trips to Thailand and Vietnam together. The last time we met in Vietnam in Nov 17th 2019. However, we correspond daily as my company supplies products to my fiance's company since 2018."

He also provided several pages of information describing China's lifting of its COVID-19 travel restrictions in March 2023. The Director issued a request for additional evidence (RFE) and in response, the Petitioner submitted a statement explaining that he and the Beneficiary were unable to meet in person during the relevant two-year period because of the COVID-19 travel restrictions affecting the United States and China (the Beneficiary's country of residence). He also provided a copy of chat messages exchanged between him and the Beneficiary, which includes an annotation stating, "when China started to let people in [] around Nov/Dec 2022, everyone [that] came to China needed to be quarantined, and we both were so busy because we needed to work."

The Director denied the petition concluding the evidence was insufficient to establish extreme hardship because the COVID-19 pandemic's travel restrictions impacted all travelers. In addition, the Director noted that the Petitioner did not provide any information to establish the Beneficiary explored options for traveling to meet the Petitioner.

On appeal, the Petitioner asserts the Director erred by not considering the travel restrictions specific to China, including a 14-day quarantine period after entering China. He asserts that this made it difficult for him to travel because he works more than 40 hours a week. In addition, he notes that if he had "unlimited time and money," he would have traveled to China to meet the Beneficiary. He further asserts that before the two-year period, he traveled to see the Beneficiary in China and that his last visit was in November 2019, shortly before the relevant two-year period began. He further explains that he traveled to visit her in June 2023 and stayed until July 5, 2023, after the travel restrictions ended. He requests an exemption of the in-person requirement due to the "unprecedented COVID event" and because they are a "real couple" and want to live together as a family.

We acknowledge the parties appear to have met in person in June 2023, after the relevant two-year period. Furthermore, we acknowledge that travel to China was difficult during the COVID-19 pandemic, however, the evidence is insufficient to establish an extreme hardship exemption because the Petitioner did not provide any information about the Beneficiary's efforts to travel to meet him. Furthermore, while he asserts that airline tickets to China cost more than \$15,000, he did not provide any corroborating evidence to support his assertion. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (standing for the proposition that a petitioner must support their assertions with relevant, probative, and credible evidence). As such, the totality of the evidence fails to establish that the Petitioner's compliance with the meeting requirement would result in extreme hardship or would violate strict and long-established customs of the beneficiary's foreign culture or social practice. The evidence remains insufficient to establish the Director erred and thus, the petition remains denied.<sup>1</sup>

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The denial of this petition shall be without prejudice to the filing of a new fiancée visa petition.