



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

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

In Re: 30743655

Date: MAY 29, 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 personally 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 she merits a discretionary waiver of the two-year personal meeting requirement for the following reasons.

The Petitioner filed the fiancé(e) petition on December 31, 2021, thus the relevant time period in which she must show she and the Beneficiary met is between December 31, 2019 and December 30, 2021. In her initial filing, the Petitioner explained she reconnected with the Beneficiary, during a trip she took to visit family in Vietnam, prior to the relevant two-year period, in February 2018. The Director issued a request for evidence (RFE) explaining, among other things, that because the Petitioner's initial evidence did not establish she met the two-year personal meeting requirement, additional evidence was required or in the alternative, she could provide evidence to establish that complying with the two year meeting requirement would result in extreme hardship to her.

In response, the Petitioner provided a letter from her friend explaining the circumstances of the parties' relationship timeline, and that the Petitioner invested in a wedding to take place in Vietnam in 2020 that had to be cancelled because of the COVID-19 pandemic's travel shutdowns and restrictions. The Petitioner's mother provided a statement confirming the parties' relationship and their plans to marry. Furthermore, the Petitioner provided evidence to establish she sent financial assistance to the Beneficiary. Her response also included evidence to establish she cancelled a trip to Vietnam scheduled for April 2020, during which time she and the Beneficiary planned to marry, her U.S. passport, and her Vietnamese passport showing entry and exit stamps for her visits to Vietnam from February 8, 2018 to March 5, 2018 and again from September 8, 2019 to October 4, 2019 as well as photographs of the parties together in 2019. She further provided evidence to establish she travelled to Vietnam from April 11, 2023 to May 31, 2023, where she spent time with the Beneficiary, and had an engagement party with family. The Director denied the petition finding the evidence was insufficient to establish the parties complied with the two-year personal meeting requirement and that the Petitioner did not request an explicit extreme hardship discretionary exemption from this requirement.

On appeal, the Petitioner's statement reiterates the parties' relationship timeline, and that the COVID-19 pandemic affected her trip to get married in 2020 because the Vietnamese government cancelled all flights for March and April 2020. She further explains that the Vietnamese government had very strict COVID lockdown rules, and required visitors to stay in a hotel for 21 days upon entry, which was expensive. She also explained that her work in the nail salon business was affected by COVID-19 pandemic shutdowns, which negatively impacted her income in 2020 and 2021. She provides evidence to show she visited Vietnam to spend time with the Beneficiary from April 11, 2023 to May 31, 2023, and they celebrated their union at a formal engagement party with family. In her statement, she explains because it was "[u]nknown when the Covid epidemic would be over, in December 2020 I decided to file form I 129F . . . to bring [the Beneficiary] to the United States to get marry." The Petitioner's appeal requests us to consider the time she met her fiancé in February 2018 to the time she filed the fiancée petition in "December 26, 2020" sufficient to meet the two year meeting requirement. However, she did not file her petition on December 26, 2020, as she states but in December 2021. As such, her request is confusing. We acknowledge the Petitioner appears to have attempted to visit her fiancé in 2020, however the evidence is not sufficiently detailed to explain why meeting the two-year personal meeting requirement would result in extreme hardship. *See Matter of*

Chawathe, 25 I&N Dec. at 375-76. Because the Petitioner has traveled several times to meet the Beneficiary, but these visits were outside the statutorily required two-year period, the evidence is insufficient to establish that compliance with the two-year requirement would result in extreme hardship to her. *Id.*

As such, the Petitioner has not met her burden to establish she merits a discretionary extreme hardship exemption. *Id.* The denial of this petition shall be without prejudice to the filing of a new fiancé(e) visa.

ORDER: The appeal is dismissed.