



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

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

In Re: 30435519

Date: MAY 13, 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 waiver 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 November 29, 2021, thus the relevant time period in which he must show he and the Beneficiary met is between November 29, 2019 and November 28, 2021. In his initial filing, the Petitioner explained he had traveled to be with the Beneficiary, prior to the relevant two-year period, in May 2019. The Director issued a request for evidence (RFE) explaining that because the Petitioner's initial evidence did not establish, he met the two-year period personal meeting requirement, additional evidence of extreme hardship was required to establish he merits a discretionary waiver of this requirement.

In response, the Petitioner provided a statement explaining that he had intended to travel to see the Beneficiary in 2020, but because of the COVID-19 pandemic, he was unable to. He also explained that his personal circumstances during the relevant two-year period made it difficult for him to travel. These circumstances included attending his naturalization application appointments, and his passport expiring. We note that the record establishes he naturalized in April 2021, that his prior passport expired in July 2020, and that he obtained a U.S. passport in January 2022. He also provided evidence to establish he traveled to Lebanon to meet with the Beneficiary in April and May 2023.

The Director denied the petition finding the evidence was insufficient to establish that compliance with the two-year personal meeting requirement would result in extreme hardship to the Petitioner. In considering the Petitioner's arguments related to the COVID-19 travel disruptions, and his statement related to how his pending naturalization application appointments and expired passport disrupted his ability to travel to see the Beneficiary, the Director noted that he did not provide any evidence to support his assertions. Furthermore, the Director noted that the Petitioner did not submit any evidence to establish the Beneficiary had attempted to travel or obtain a visa to comply with the two-year meeting requirement. We agree with the Director's analysis. The Petitioner's evidence does not explain with sufficient detail why, for example, he could not travel between November 2019, and March 2020 (when the COVID-19 pandemic began) if his prior passport expired in July 2020.

On appeal, the Petitioner contends that the Beneficiary's home country has been the target of military attacks and that he is "extremely concerned for [the Beneficiary's] safety." He provides news articles to support his assertion that Syria was attacked in October 2023. We acknowledge the Petitioner has serious concerns about the Beneficiary's safety, 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. The Petitioner has traveled several times to meet the Beneficiary, but these visits were outside the statutorily required two-year period. Furthermore, while we acknowledge that the Beneficiary's home country has recently experienced military strikes, the Petitioner has twice traveled to the region to see her, which undermines his claim that traveling to see the Beneficiary is an extreme hardship. *Id.* Lastly, the news articles submitted to establish the Beneficiary faces a security risk took place in October 2023, after the relevant two-year period, thus these events lack relevance to his extreme hardship claims. *Id.*

As such, the Petitioner has not met his burden to establish he 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.