



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

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

MATTER OF D-N-H-

DATE: JULY 27, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-129F, PETITION FOR ALIEN FIANCÉ(E)

The Petitioner, a U.S. citizen, seeks to classify the Beneficiary as his fiancée. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). A U.S. citizen may petition to bring a fiancé(e) (and that person's children) to the United States in K nonimmigrant classification for marriage. The U.S. citizen must establish that the parties have previously met in person within two years before the date of filing the Form I-129F, Petition for Alien Fiancé(e) (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 90 days of the beneficiary's admission as a K nonimmigrant.

The Director, Texas Service Center, denied the fiancé(e) petition, concluding that the Petitioner did not establish that he and the Beneficiary personally met within the two-year period immediately preceding the filing of the fiancé(e) petition or show that the Petitioner merits a discretionary waiver of the personal meeting requirement.

On appeal, the Petitioner submits a statement, but no additional evidence supporting his request for a waiver of the two-year meeting requirement.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Subject to subsections (d) and (r) of section 214 of the Act, 8 U.S.C. § 1184(d) and (r), nonimmigrant K classification may be accorded to an alien who "is the fiancee or fiance of a citizen of the United States . . . and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission . . ." *See* section 101(a)(15)(K)(i) of the Act.

Section 214(d)(1) of the Act states that a fiancé(e) petition can be approved only if the 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 the beneficiary's arrival. U.S. Citizenship and Immigration Services (USCIS) maintains the discretion to waive the requirement of an in-person meeting between the two parties if compliance would either result in

extreme hardship to the petitioner, or violate strict and long-established customs of the beneficiary's foreign culture or social practice. *See* section 214(d)(1); 8 C.F.R. § 214.2(k)(2).

II. ANALYSIS

The Petitioner filed a fiancé(e) petition on November 5, 2014, and was therefore required to have met the Beneficiary in person at some point from November 5, 2012 to November 5, 2014, or to have requested a waiver of this requirement. In an undated letter submitted with the fiancé(e) petition, the Petitioner reports that he met the Beneficiary in Vietnam in 2009, states they communicated electronically, and submits emails in Vietnamese¹ to support these claims. The Director pointed out the insufficiency in initial evidence and sent the Petitioner a request for evidence (RFE), allowing him to submit documentation of the required in-person meeting or show that satisfying the meeting requirement would have caused him extreme hardship or have violated the Beneficiary's custom, social practice, or religion.

Responding to the RFE, the Petitioner made no claim to have met his fiancée as required, but rather asserted that doing so would have caused him extreme hardship. He stated that he became disabled on March 1, 2011 and, further, that as a result of his disability, lacked funds to leave the country to visit his fiancée. In support of his hardship claims, the Petitioner provided documentation from the Social Security Administration (SSA) and from the New Jersey Office of Temporary Assistance. The Director determined that the Petitioner had provided insufficient evidence of extreme hardship to merit a waiver and, accordingly, denied the fiancé(e) petition.

On appeal, the Petitioner submits a statement explaining that, in addition to fearing returning to Vietnam, he also lacked the financial means to visit his fiancée due to his disability. Regarding his claimed fear of returning to Vietnam, the Petitioner does not detail the basis of his fear, generally stating only that he escaped Vietnam in 1977. Similarly, although he submits proof of entitlement to federal disability benefits, the Petitioner provides no evidence detailing the nature or extent of a disability, and he doesn't provide a letter from a doctor or other medical professional, stating that he has a medical condition that would have prevented him from being able to travel during the required time period. We recognize that international travel may be costly; however, financial expenditures associated with travel do not amount to extreme hardship. For the foregoing reasons, and as the Director explained in both the RFE and the denial decision, the Petitioner has not submitted evidence that he met the Beneficiary within the required time period, and we will not waive the personal meeting.

¹ All documents written in a foreign language must be accompanied by an English translation. 8 C.F.R. § 103.2(b)(3). However, the emails would be insufficient, even if translated, as they may not substitute for the required in-person meeting.

III. CONCLUSION

In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the Petitioner has not met that burden; however, the denial of this fiancé(e) petition is without prejudice to the filing of another fiancé(e) petition at a future date once the statutory requirements are met.

ORDER: The appeal is dismissed.

Cite as *Matter of D-N-H-*, ID# 17917 (AAO July 27, 2016)