



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

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

MATTER OF I-O-

DATE: OCT. 3, 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 her fiancé. *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 she and the Beneficiary personally met within the two-year period immediately preceding the filing of the fiancé(e) petition.

On appeal, the Petitioner submits a statement.

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 fiancée or fiancé 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.

Subsection 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 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* subsection 214(d)(1) of the Act; 8 C.F.R. § 214.2(k)(2).

II. ANALYSIS

The Petitioner filed the fiancé(e) petition on December 31, 2014, and was therefore required to have met the Beneficiary in person at some point from December 31, 2012, to December 31, 2014, or to have requested a waiver of this requirement. The Petitioner states in the fiancé(e) petition that, after having a “young relationship” that wasn’t serious, she and the Beneficiary met again a few years ago. The Director found that the evidence was insufficient to establish the required in-person meeting and sent the Petitioner a request for evidence (RFE) allowing her to provide documentation of such a meeting or to show that satisfying the meeting requirement would have caused her extreme hardship or have violated the Beneficiary’s custom, social practice, or religion.

Responding to the RFE, the Petitioner did not claim to have met the Beneficiary as required and did not request a waiver of the personal meeting requirement. The Director determined that the Petitioner had provided insufficient evidence to establish eligibility for the immigration benefit sought and, accordingly, denied the fiancé(e) petition.

On appeal, the Petitioner submits a statement explaining that she could not see the Beneficiary from 2012 to 2014 because she was attending medical school during that time, could not afford to travel to Haiti, and was concerned about her personal security there. Although she does not request a waiver of the personal meeting requirement on grounds of extreme hardship, we will consider whether the evidence warrants a discretionary waiver.

Regarding the first reason for not satisfying the personal meeting requirement, the Petitioner has not submitted evidence that she has ever attended medical school or was attending any other educational institution during the relevant timeframe. Regarding the claim that she lacked the financial means to visit Haiti, expenditures associated with travel do not amount to extreme hardship and, further, the evidence shows that she visited Haiti and the Dominican Republic in June 2011, and the Bahamas in March 2012. As to the Petitioner’s personal security concerns, the record reflects that she visited Haiti in 2011. She does not further explain her concern except to note having a fear of kidnapping, and she offers no evidence to establish the grounds for such a concern. For the foregoing reasons, and as the Director explained in both the RFE and the denial decision, the Petitioner has not submitted evidence that she met the Beneficiary within the required time period. Further, the Petitioner has not established that a discretionary waiver of this requirement is warranted.

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.

Matter of I-O-

ORDER: The appeal is dismissed.

Cite as *Matter of I-O-*, ID# 10335 (AAO Oct. 3, 2016)