



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

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

MATTER OF I-B-L-

DATE: FEB. 5, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a citizen of the United States, seeks to classify the Beneficiary as a fiancé(e) of a United States citizen. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(K), 8 U.S.C. § 1101(a)(15)(K). The Director, Texas Service Center, denied the Petition. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the nonimmigrant visa petition because the Petitioner did not establish that he met the Beneficiary in person within the two-year period immediately preceding the filing of the Form I-129F, Petition for Alien Fiancé(e), or demonstrate that he merits a favorable exercise of discretion to exempt him from such meeting requirement. On appeal, the Petitioner submits a statement from his doctor and portions of his bank statement showing his monthly social security income. The Petitioner indicates that compliance with the two-year meeting requirement would result in extreme hardship to him.

A "fiancé(e)" is defined at Section 101(a)(15)(K) of the Act as:

subject to subsections (d) and (p) of section 214, an alien who -

(i) 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[.]

Section 214(d)(1) of the Act, 8 U.S.C. § 1184(d)(1), states in pertinent part that a fiancé(e) petition:

shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 years before the date of filing the 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 ninety days after the alien's arrival, except that the Secretary of Homeland Security in his discretion may waive the requirement that the parties have previously met in person. . . .

The statutory requirement of an in-person meeting between the petitioner and the beneficiary is further explained at 8 C.F.R. § 214.2(k)(2), which states:

The petitioner shall establish to the satisfaction of the director that the petitioner and K-1 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 the 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 the K-1 beneficiary's foreign culture or social practice . . . Failure to establish that the petitioner and K-1 beneficiary have met within the required period or that compliance with the requirement should be waived shall result in the denial of the petition. Such denial shall be without prejudice to the filing of a new petition once the petitioner and K-1 beneficiary have met in person.

The regulation does not define what may constitute extreme hardship to the petitioner. Therefore, each claim of extreme hardship must be judged on a case-by-case basis taking into account the totality of the petitioner's circumstances. Generally, a director looks at whether the petitioner can demonstrate the existence of circumstances that are (1) not within the power of the petitioner to control or change, and (2) likely to last for a considerable duration or the duration cannot be determined with any degree of certainty.

The regulation at 8 C.F.R. § 103.2(b)(8)(ii) states that if all required initial evidence is not submitted with the petition or does not demonstrate eligibility, U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, deny the petition for lack of initial evidence. The specific requirements for filing a Form I-129F, including a description of the required initial evidence, may be found in the Instructions to the Form I-129F.

The Petitioner filed the fiancé(e) petition with USCIS on November 3, 2011, without sufficient supporting evidence. For this reason, on December 5, 2014, the Director issued a request for evidence (RFE) requesting the Petitioner to submit evidence that he and the Beneficiary met within two years immediately preceding the filing of the petition or demonstrate that he merits a favorable exercise of discretion to exempt him from this requirement and statements of his and the Beneficiary's mutual intent to marry within 90 days of the Beneficiary's admission into the United States. In response, the Petitioner indicated that he was unable to meet the Beneficiary in Person during the requisite time period due to financial hardship, a health condition caused by two heart attacks, and his age. The Director found the evidence insufficient and denied the petition on June 26, 2015.

On appeal, the Petitioner submits a letter dated July 7, 2015, from his cardiologist. The cardiologist states that the Petitioner is his patient. He also states that the Petitioner has multiple cardiac conditions, including ventricular tachycardia, ischemic heart disease, ischemic cardiomyopathy, and an implantable cardiac defibrillator. The cardiologist further states that due to [the Petitioner's] health conditions and titration of medications, he advised the petitioner not to travel. The Petitioner also submits portions of his bank statement in which he highlighted a monthly deposit of \$1,278.00 from the Social Security Administration.

The Petitioner has not submitted evidence that he and the Beneficiary met in person between November 3, 2012 and November 3, 2014, which is the two-year period immediately preceding the filing of the

petition, or sufficient credible and probative evidence that he merits a favorable exercise of discretion to exempt him from this requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). The Petitioner's submission of evidence of his monthly social security income does not establish, without other supporting evidence, that traveling to the United Arab Emirates (where the Beneficiary resides) to meet the Beneficiary would have resulted in financial hardship to Petitioner. We note that the financial commitments required for travel to a foreign country are a common requirement to those filing the Form I-129F petition, and the record does not establish that traveling to meet the Beneficiary would constitute extreme hardship to the Petitioner.

The July 7, 2015 letter from the Petitioner's cardiologist indicates that the Petitioner has been his patient. The doctor also indicates that the Petitioner has multiple cardiac conditions and an implantable cardiac defibrillator, and that due to his health conditions and titration of medications, he advised the Petitioner not to travel. The letter does not provide further detail regarding the history, onset, and duration of the Petitioner's cardiac condition. The doctor's statement does not establish that the Petitioner was unable to travel during the requisite two-year period or that his medical condition is so severe that traveling to the United Arab Emirates or another location would have resulted in extreme hardship to the Petitioner.

The evidence provided by the Petitioner does not meet the requirement specified under section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2) for an exemption from the meeting requirement. The evidence does not establish that compliance with the regulatory requirement would result in extreme hardship to the Petitioner or that compliance would violate strict and long-established customs of the Beneficiary's foreign culture, social culture or religious practice.

We therefore find that the Petitioner has not established that he merits a favorable exercise of discretion to exempt him from the two year in-person meeting requirement pursuant to section 214(d)(1) of the Act and the regulation at 8 C.F.R. § 214.2(k)(2). We additionally find that the record still lacks a statement from the Petitioner of his intent to marry the Beneficiary within 90-days of the Beneficiary's admission into the United States.

The appeal will be dismissed for the above stated reasons. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here the petitioner has not met that burden. As stated at 8 C.F.R. § 214.2(k)(2), the denial of this petition is without prejudice to the filing of a new petition.

**ORDER:** The appeal is dismissed.

Cite as *Matter of I-B-L-*, ID# 15383 (AAO Feb. 5, 2016)