



**FAMILY BASED
IMMIGRATION:**



**FIANCÉ(E)
(K-1) VISAS**

TWO AGENCY PROCESS



U.S. Citizenship
and Immigration
Services



WHAT IS A K-1 FIANCÉ(E) VISA?

- Non-immigrant visa that allows a foreign-citizen fiancé(e) to travel to the U.S. and marry their U.S. citizen sponsor within 90 days of arrival
- Intent = non-immigrant because intent of travel is to marry within 90 days, not to stay in U.S. permanently



WHO IS A FIANCÉ(E)?

- Recipient of approved USCIS Form I-129F, Petition for Alien fiancé(e), who has been given a K-1 visa to travel to U.S. to marry their U.S. citizen fiancé(e)
(<https://fam.state.gov/fam/09FAM/09FAM050207.html>)
- USCIS: must have met in person in last two years

OTHER TYPES OF FIANCÉ(E) VISAS

- K-3 (foreign spouse) & K-4 (their kids)
 - For U.S. citizens who filed I-130 Petition for Alien Relative for spouse who is abroad
- Also file I-129F, Petition for Alien fiancé(e)
 - Shortens separation period while waiting USCIS to decide I-130
 - Rare because I-130s don't take as long as they used to
- **If C is married, forget about I-129F**

HOW TO GET AN APPROVED I-129F

- Complete & submit USCIS Form I-129F: <https://www.uscis.gov/i-129f>
 - Part 1: info about U.S. citizen Petitioner (Pet)
 - Part 2: info about foreign fiancé(e) Beneficiary (Ben)
 - Part 3: “other info” Part 4: biographic info



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I-129F EVIDENCE

1. Ben's I-94: travel record from CBP if entered and departed U.S. since 2013 (www.cbp.gov/i94)
2. Evid of in-person meeting in last two yrs
 - Plane tickets, passport w/ stamp, time-stamped pictures, hotel receipts
 - Stmts from Pet & Ben



EVIDENCE CONTINUED

3. Explanation of why you haven't met in person in last two yrs

- Proof of hardship on Pet; or
- Visit would've violated strict-long established customs of your fiancé(e)'s foreign culture

4. Pet's U.S. citizenship

5. Termination of prior marriages for either of you

EVIDENCE CONTINUED

6. One color passport photo of Pet & one of Ben taken w/in 30 days of petition

7. Legal name change

8. Evidence to Classify a fiancé(e) as a K-1 nonimmigrant

- Ltr of Intent (LOI) to marry w/in 90 days of entry
- Stmts from Pet & Ben
- Venue contracts
- Stmt from church

WHAT IF FOREIGN FIANCÉ(E) HAS A CHILD?

- Derivative K-2 visa stemming from approved I-129F

39. Does your beneficiary have any children? Yes No

If you answered "Yes" to Item Number 39., provide the following information about each child. If you need to provide information for more than one child, use the space provided in Part 8. Additional Information.

Children of Beneficiary

40.a. Family Name (Last Name)

40.b. Given Name (First Name)

40.c. Middle Name

41. Country of Birth

42. Date of Birth (mm/dd/yyyy)

43. Does this child reside with your beneficiary? Yes No

If the child does not reside with your beneficiary, provide the child's physical residence.

44.a. Street Number and Name

44.b. Apt. Ste. Flr.

44.c. City or Town

44.d. State 44.e. ZIP Code

44.f. Province

44.g. Postal Code

44.h. Country

and Name

47.b. Apt. Ste. Flr.

47.c. City or Town

47.d. Province

47.e. Postal Code

47.f. Country

48. Daytime Telephone Number

Your Beneficiary's Name and Address in His or Her Native Alphabet

49.a. Family Name (Last Name)

49.b. Given Name (First Name)

49.c. Middle Name

50.a. Street Number and Name

50.b. Apt. Ste. Flr.

50.c. City or Town

50.d. Province

50.e. Postal Code

50.f. Country



ORGANIZE PACKET

- ✓ G-1145, E-Notification of Application/Petition Acceptance
- ✓ I-129F
- ✓ Evidence

FILING I-129F

Fee: \$535

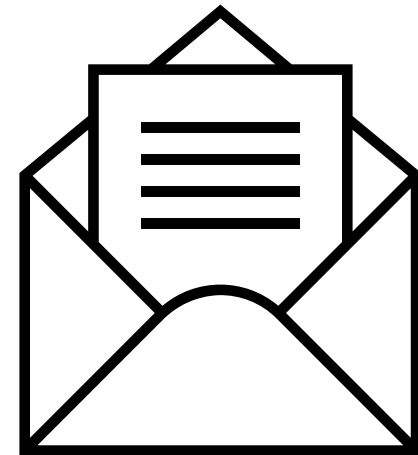
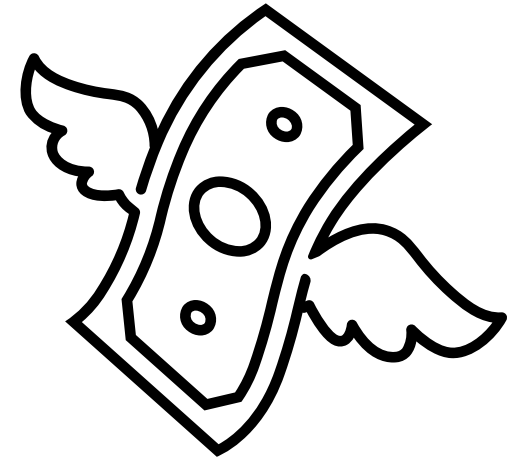
USCIS Dallas lockbox via
U.S. Postal Service (USPS):

USCIS

Attn: I-129F

P.O. Box 660151

Dallas, TX 75266-0151





WHAT HAPPENS NEXT?

If USCIS approves I-129F, they send the case to the National Visa Center (NVC) within the Department of State (DOS)

NVC sends case to U.S. Embassy or Consulate where Ben lives

NVC sends Pet Itr instructing them to tell Ben to complete **DS-160** for themselves and their kids online

**WHAT
HAPPENS
NEXT
CONTINUED**

Prior to interview, U.S. Embassy or Consulate will provide Bens instructions on medical exam

Ben must print DS-160s & take them, med exam, & **evidence** to interview

Interview!

DS-160 EVIDENCE

- 1. Ben's Passport valid for at least 6 mos beyond intended stay in U.S.**
- 2. Translated birth certificate(s) for all Bens**
- 3. Translated divorce/death certificates for both Pet and Ben**

DS-160 EVIDENCE CONTINUED

- 4. Translated police certificates from Ben's country**
- 5. Medical Exam**
- 6. Two color 2x2 photos for all Bens**



DS-160 EVIDENCE CONTINUED

7. Financial Support: USCIS Form I-134

- U.S. citizen Pet must meet 100% poverty guidelines (<https://www.uscis.gov/i-864p>)

- a. Signed statement from a bank officer listing date the account was opened, current balance, and the total dollars deposited that year

DS-160 EVIDENCE CONTINUED

- b.** Employment verification letter on letterhead listing dates and nature of employment, job title, salary & status (temp or perm)

- c.** Copy of previous year's federal income tax return with all schedules, W-2, 1099 (if any)

- d.** Most recent two paystubs / LES

DS-160 EVIDENCE CONTINUED

8. Evidence of relationship with U.S. citizen fiancé(e)

a. Copy of approved I-129F packet with evidence

b. Needs to include I-797, Notice of Action

9. Anything else the DOS asks for

DS-160 EVIDENCE FOR K-2 VISA

Everything listed above +

10. Birth certificate proving intended K-1 Ben is parent

11. Any country specific documents required to show K-1 Ben can travel abroad with intended K-2 child

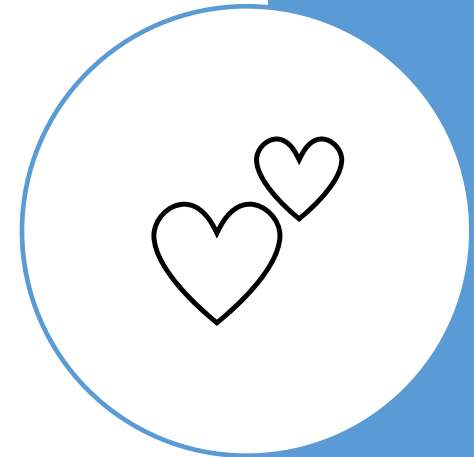
INTERVIEW

- U.S. Embassy or Consulate
 - Fiancé(e) & kids attend
- Bring all DS-160s & evidence
- Bring fees
 - \$265 per DS-160
 - Medical fees per person (vary) if not already paid
 - Biometrics fees \$85 per person if requested



INTERVIEW CONTINUED

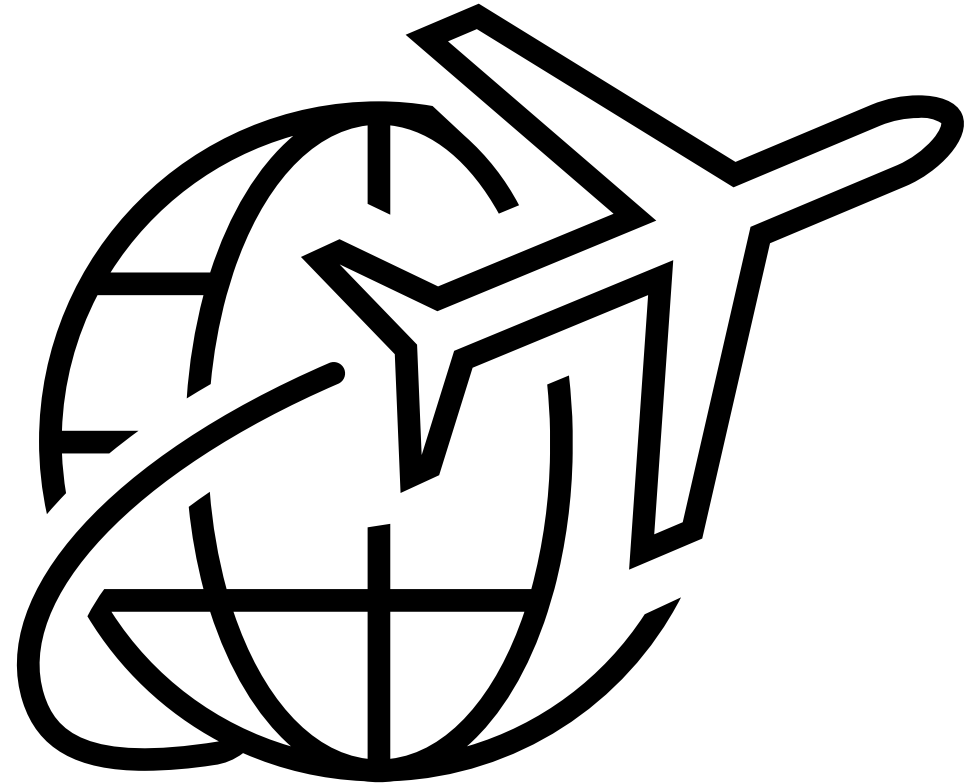
- Purpose is to determine legitimacy of relationship
- Ben must answer questions about themselves, Pet & relationship:
 - When, where, how met
 - Length of relationship
 - In-person meetings
 - Wedding plans
 - Living arrangement in U.S.





WHAT HAPPENS IF VISA APPROVED?

- Visa will have issue & expiration date
- K-1 Ben (& K-2) travel to U.S.

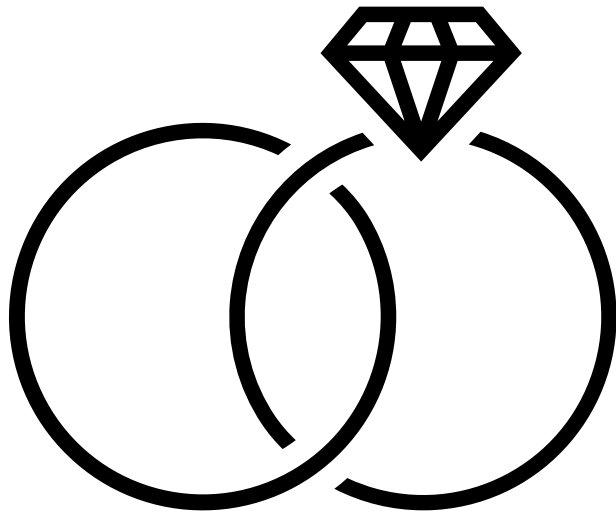


WHAT HAPPENS IF COUPLE DOES NOT MARRY WITHIN 90 DAYS?

- Fiancé(e) and their child(ren) must leave within 30 days after their visas expire
 - Total time in U.S. = 120 days
- K-1 visa holders cannot apply for adjustment of status to obtain residency if there is no marriage
 - **Intent**

COUPLE GOT HITCHED! WHAT'S NEXT?

Green card for foreign spouse:



- I-485, App to Adjust Status
- I-130, Pet for Alien Relative
- I-130A, Supp Info for Spouse Ben
- I-765, App for Employment Auth
- I-864/I-864EZ, Affidavit of Support
- I-131, App for Travel Doc



FAQs

- When can my fiancé(e) schedule their interview?
 - After they receive Instruction Package Letter (PKT3 – K) from the Consulate
- When will DOS decide?
 - Most likely, at the end of the interview



FAQs CONTINUED

- What if they don't decide on the spot?
 - Missing info or evidence = RFE
- How long does the process take from beginning to end?
 - Varies but about six mos
- Can my fiancé(e) come to the U.S. as a tourist while their K-1 visa is pending?
 - Yes, but will cause further scrutiny (intent)



FAQs CONTINUED

- What happens if DOS denies the visa?
 - Send it back to USCIS & recommend revocation of the I-129F
- Can I get my money back if USCIS denies the I-129F or DOS denies the DS-160?
 - No
- Is there a military discount for any of the fees?
 - No



FAQs CONTINUED

- What if I marry my fiancé(e) in their country before the visa is granted?
 - Ben is no longer eligible for a K-1 visa & petition will be returned to USCIS
- Can my fiancé(e) go to school while in the U.S.?
 - Yes
- Can my fiancé(e) work while in the U.S.?
 - Not without an I-765, which is only good for 90 days for a K-1 visa holder

RESOURCES

USCIS: <https://www.uscis.gov/family/family-of-us-citizens/visas-for-fiancees-of-us-citizens>

DOS: <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/nonimmigrant-visa-for-a-fiance-k-1.html#4>

Boundless: <https://www.boundless.com/immigration-resources/k-1-fiancee-visa-explained/>

Citizenpath: <https://citizenpath.com/k-1-fiance-visa-interview-questions/>