

VII. K-1 VISA/ STATUS

The K-1 visa, also known as the “K-1 Fiancé (e)” visa, permits the foreign-citizen fiancé (e) to travel to the United States and marry his or her U.S citizen sponsor within 90 days of arrival. Because a fiancé (e) visa permits the holder to immigrate to the U.S. and marry a U.S. citizen shortly after arrival in the United States, the fiancé (e) must meet some of the requirements of an immigrant visa. The eligible children of K-1 visa applicants receive K-2 visas.

To begin the process your fiancé files Form I-129F Petition for Alien Fiancé on your behalf with the U.S. Citizenship and Immigration Services (“USCIS”). The filing of the petition requires a statement that the two of you will enter into a bona fide marriage within 90 days of arrival to the United States. Also, the two of you must have met in person within two years unless one of the exceptions applies to your case.

Once the USCIS approves of the petition, it forwards the file to the National Visa Center (NVC), who completes the initial processing for the K-1 Visa. Once that is completed the NVC forwards the file to the American Consulate where you will be applying for the K-1 visa. The petition is valid for a period of four months from the date of USCIS action, and may be revalidated by the consular officer.

IMPORTANT! In the event the foreign national enters the United States but does not marry the U.S. petitioner (the individual who petitioned for him or her in the first place) the K-1 visa is dead. Another common scenario we see is when a K-1 fiancé marries the petitioner and divorces and marries someone else. The foreign national is precluded from applying for permanent residency on the basis of the marriage to the new U.S. citizen.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!