

U.S. VISAS FOR FIANCÉ(E)S

A citizen of a foreign country who wants to come to the United States to marry an American citizen and reside in the U.S. will have to obtain a K-1 Visa.

PETITION

To establish K-1 Visa classification for an alien fiancé(e), an American citizen (the “petitioner”) must file a petition, *Form I-129F, Petition for Relative or Fiancé(e)*, with the United States Citizenship and Immigration Services (USCIS) office that has jurisdiction over petitioner’s place of legal residence. Such petitions may not be adjudicated abroad. USCIS will forward the approved petition to the American consular office where the alien fiancé(e) will apply for his or her visa. A petition is valid for a period of four months from the date of USCIS action, and may be revalidated by the consular officer.

VISA INELIGIBILITY AND WAIVERS

Applicants who have a communicable disease, have a dangerous physical or mental disorder, are drug addicts, have committed serious criminal acts, are likely to become a public charge, have used fraud or other illegal means to enter the United States, or are

otherwise ineligible for citizenship are not eligible for a visa. The two-year foreign residency requirement for former exchange visitors also applies. If found to be ineligible, the consular officer will advise the applicant if the law provides for a waiver.

APPLYING FOR A FIANCÉ(E) VISA

The consular officer will notify the applicant when the approved petition is received and provide to the applicant the necessary forms and instructions. A fiancé(e) visa applicant generally must meet documentary requirements of an immigrant visa applicant. The following documents are normally required:

- Valid passport
- Birth certificate
- Divorce or death certificate of any previous spouse
- Police certificate from all places lived since age 16
- Medical examination
- Evidence of financial support
- Evidence of valid relationship with the petitioner
- Photographs*

*Two photographs 1 and 1/2 inches square (37x37mm), showing full face, against a light background.

OTHER INFORMATION

Both the petitioner and the applicant must be legally able and willing to conclude a valid marriage in the United States. They must have previously met in person within the past two years unless the Attorney General waives that requirement. Once the processing is completed and the necessary documents are provided, a consular officer will interview the applicant. If eligible, a visa will be issued, valid for one entry during a period of six months.

Petitioners need to be aware that there are several fees associated with the application process, including: filing the Form I-129, processing the application, the medical examination, and filing the Form I-485 to adjust status to permanent residency.

AFTER ENTRY INTO THE U.S.

The alien fiancé(e) must apply for work authorization with the USCIS. The marriage must take place within 90 days of admission into the United States. Following the marriage, the alien spouse must apply to the USCIS to establish a record of entry for conditional permanent residence status. After two years, the alien may apply to the USCIS for removal of the conditional status.

FAMILY MEMBERS

The unmarried, under - 21 children of a K-1 applicant automatically receive "K-2" nonimmigrant visa status so long as the children are named in the petition. A separate petition is not required if the children accompany or follow the alien fiancé(e) within one year from the date the K-1 Visa is issued. Thereafter, a separate immigrant visa petition is required.

FURTHER INQUIRIES

For questions on where to obtain the Form I-129F petition, and how and where to file it, contact your local USCIS office for details. For questions on processing the visa application at the American consular office overseas, contact that consular office.

The following websites provides more information:

<http://www.uscis.gov/fees>

<http://travel.state.gov/content/visas/english/fees/fees-visa-services.html>

Legal Assistance

(Attorney consults by appointment only)

Will Appointments

Please complete Will worksheet BEFORE you make a will appointment! Stop by or call our office for more information.

Italian Legal Assistance

(Attorney consults by appointment only)

Powers of Attorney/Notaries

Mon-Fri 0745 - 1630

You can complete power of attorney & will worksheets, and read information at

<https://aflegalassistance.law.af.mil>

31 FW/JA

Unit 6140 Box 115

APO, AE 09604-0115

Building 1403, upstairs

DSN 632-7843 or

commercial 0434-30-7843

U.S. VISAS FOR FIANCÉ(E)S



31ST FW LEGAL OFFICE

Current as of April 2022