



GENERAL INFORMATION FOR FIANCEES/FIANCES

The Immigration and Nationality Act provides nonimmigrant visa classification (K-1) for aliens proceeding to the United States to marry American citizens. The marriage must be concluded within 90 days of their admission into the United States. Following the marriage, the alien spouse must apply to the Immigration and Naturalization Service (INS) to establish a record of entry for conditional permanent residence status. After two years, the alien may apply to the Immigration Service for removal of the conditional status.

PETITION

To establish K-1 visa classification for an intended alien spouse, an American citizen must file a petition, Form I-129F, with the Immigration and Naturalization Service Regional Service Center having jurisdiction over the place of the petitioner's residence in the United States. Such petitions may not be adjudicated abroad. Both petitioner and beneficiary must be legally able and willing to conclude a valid marriage in the United States. The petitioner and beneficiary must have previously met in person within the past 2 years unless the Attorney General waives that requirement. The approved petition will be forwarded by INS to the American Consular office where the alien fiance(e) will apply for his or her visa. A petition is valid for a period of 4 months from the date of INS action, and may be revalidated by the consular officer.

MINOR CHILDREN

The minor children of a K-1 beneficiary derive "K-2" nonimmigrant visa status from the parent so long as the children are named in the petition. A separate petition is not required if the children accompany or follow the alien fiance(e) within one year from the date of issuance of the K-1 visa. Thereafter, a separate immigrant visa petition is required.

DOCUMENTATION

Upon receipt of an approved petition, the American consular officer will notify the beneficiary and give him or her the necessary forms and instructions to apply for a "K" visa. Since a fiance(e) visa applicant is an intending immigrant, he or she must meet most of the same documentary requirements of an immigrant visa applicant. In addition to the prescribed application forms and photographs, the following documents are normally required:

- Valid Passport
- Birth Certificate
- Divorce decree or Death Certificate of any previous spouse
- Police Certificates from all places lived since age 16
- Medical Examination
- Evidence of support
- Evidence of valid relationship with the petitioner
- Passports and medical examinations for any accompanying children

VISA ISSUANCE

As soon as the processing of a case is completed and applicant has all necessary documents, a consular officer will interview the fiance(e) to determine eligibility for a K visa. Applicants who have a communicable disease, or have a dangerous physical or mental disorder; are drug addicts; have committed serious criminal acts, including crimes involving moral turpitude, drug trafficking, and prostitution; are likely to become a public charge; have used fraud or other illegal means to enter the United States; or are ineligible for citizenship, must be refused a visa. The two-year foreign residence requirement for former exchange visitors is also applicable. If necessary, the consular officer will assist the applicant in applying for a waiver of ineligibility from the Attorney General. If found eligible, a visa will be issued gratis, valid for one entry during a period of 6 months.