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K-1/K-2 Visa

Overview

The K-1 non-immigrant visa allows fiancé(e) of a U.S. citizen to enter the U.S. for the period of 90 days to marry the U.S. petitioner and apply for permanent residence.

Qualifying criteria

The U.S. citizen, as the petitioner of the K-1 visa, must submit the following evidence to the Department of Homeland Security for his/her fiancé(e):

- Document indicating that parties have met in person within 2 years of the date of filing the petition, unless a waiver is granted;
 - Waiver can be obtained under the following circumstances:
 - Extreme hardship/Financial burden to the petitioner,
 - Contrary to the foreign culture, customs, or social practice,
 - International political danger, or
 - Health reasons
- Parties have a bona fide intention to marry; and
- Both parties are able and willing to conclude a valid marriage in the United States within 90 days after the fiancé(e)'s arrival.
- If the parties do not marry within 90 days, the K-1 fiance(e) will be required to depart and failure to depart will render him/her or any dependent removable.

Procedures

K-1 visa is to be filed in the appropriate regional service center. A U.S. citizen abroad can execute the visa petition before a consular or immigration officer and have the petition forwarded to the appropriate USCIS office in the U.S. The K-1 petition includes the USCIS Form I-129E, Form G-325A for both petitioner and beneficiary, color photos, affidavits of the parties and persons with personal knowledge of the relationship, and other types of evidence, i.e. emails, photos of parties together, phone bills, or wedding arrangement plans. An approved petition remains valid for four months from the date of USCIS action. A USCIS district office or a consular officer may revalidate the approved petition for additional four-month period upon proof that the parties are free to marry and intend to marry within 90 days. The minor unmarried children of a K-1 principal beneficiary who are listed in the petition can obtain K-2 status if accompanying or following-to-join the beneficiary.

Upon receipt of an approved petition, the beneficiary must present the following documents to the consular post: Form OF-156 and Supplement, valid passport, Birth Certificate, Evidence of termination of any prior marriage, Police certificate from the beneficiary's present place of residence and any place where the beneficiary has resided more than 6 months, Form OF-157 Medical examination record, and evidence of financial support.

Filing Fee

The current filing fee for I-129F is \$170.00. plus any applicable visa application fees at the consular posts. \$170.00 for Form I-131 for Advance parole if so requested.

Timeframe

The current processing time for K-1 visa petitions are about 3-4 months, depending on the Service Center.

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