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## **K-3/K-4 Visa**

### **Overview**

The K-3 visa, established in December 2000, allows the spouse of a U.S. citizen who has a pending or approved I-130 visa petition to enter the U.S. a non-immigrant and adjust to immigrant status. Unmarried children of the K-3 visa beneficiaries can be admitted under the K-4 category.

### **Qualifying Criteria**

The spouse of a U.S. citizen can be admitted in the U.S. when the following criteria have been satisfied:

- The foreign national must already be married to a U.S. citizen,
- The U.S. citizen spouse must have filed an I-130 on behalf of his/her spouse with USCIS for purpose of an immigrant visa, and
- The beneficiary must have an approved Form I-129F by the USCIS.

### **Procedure**

The petition for K-3 visa must include Form I-130 and I-129F with proof of the I-130 filing. Applications for the K-3 visa must be filed in the Chicago District Office and I-130s must be filed at the USCIS regional service center. Foreign nationals with a valid K-3 visa will be admitted for a period of 2 years and can later apply for an extension of stay 120 days before the expiration date of his/her stay. Foreign nationals will not be eligible to adjust status to K-3 category from another non-immigrant visa category while present in the U.S. K-3/K-4 beneficiaries can seek for employment authorization by filing a Form I-765 with the regional service center. The beneficiaries may travel outside the U.S. without seeking for advance parole even if the Adjustment of Status is filed. The USCIS will not deem the alien's departure an abandonment as long as the beneficiary returns with valid K-3/K-4 visas.

When requesting an extension of stay, the foreign nationals must meet the following criteria:

- The applicant must have filed the Form I-485, or
- If the I-485 has not been filed, the applicant must prove that I-130 is still pending, or
- The applicant must be able to show "good cause," i.e. job loss, illness or any event that prevents the petitioner from filing the I-485, and
- The foreign national must be still married to the U.S. citizen.

K-3/K-4 status will be terminated 30 days after the occurrence of one of the following:

- I-130 is denied,
- Application for Non-immigrant visa is denied,
- I-485 Adjustment of Status is denied,
- The K-3 spouse is divorced from the U.S. citizen,
- Failure to file an extension before the K-3 status expires, or
- When the K-4 dependents turn 21.

### **Filing Fees**

The current filing fees are: \$170.00 for Form I-129F, \$190.00 for Form I-130, and any applicable visa application fees at the consular post. Additional \$190.00 for Form I-765 for Employment Authorization if requested.

**Timeframe**

The current processing time is about 3-4 months for I-129F, 6-8 months for I-130, and 3-4 months for I-765.