**K-1 VISAREQUIREMENTS OF THE U.S. CITIZEN:**

* You need to be a US citizen to apply for your fiancée as a K-1. If you are a legal permanent resident, you cannot file a petition to bring your fiancé/fiancée to the United States.
* You must intend to marry your alien fiancé/fiancée within 90 days after he/she enters the United States. After 90 days have lapsed, the K-1 visa will no longer be valid and your fiancé/fiancée will be considered “out of status”.
* You must be legally free to marry. This means that you are single, you have proof of annulment or divorce from any other previous spouse or proof that your previous spouse has passed away.
* You must have met your fiancé/fiancée at least once within the past two years (unless you meet one of the exceptions outlined in the special K1/K2 visa scenario section).
* You must prove that you can support your beneficiary financially.
* You must submit a copy of your criminal record if you had been convicted for a crime or crimes.

**REQUIREMENTS OF THE ALIEN FIANCÉ/FIANCÉE:**

* You must be living outside of the United States in order to qualify for a K-1 visa.
* You must be free to marry. This means that you are single, have proof of annulment or divorce from any other previous spouse or proof that your previous spouse has passed away.
* You must have met your fiancé/fiancée at least once within the past two years (unless you meet one of the exceptions outlined in the special K1/K2 visa scenario section).
* You must not have any record of past violations regarding U.S. immigration law. For instance, if you previously stayed in the United States, and for whatever reason, were “out of status” this could affect your K-1 application.

**K-1 PROCESS IN A NUTSHELL:**

**For the U.S. citizen:**

In order to start the process, a U.S. citizen must petition on behalf of his/her fiancé/fiancée by completing the following steps:

* File a K-1 visa Petition with the USCIS Dallas Lockbox facility. In addition to this form, there is other supplemental information that must be submitted and supporting documents that soundly prove your U.S. citizenship, ability to legally marry, compliance with International Marriage Broker Regulation Act (IMBRA), etc. Upon receipt of this form and its supporting documents, USCIS will send you a receipt notice, indicating that the application was received.
* After the I-129F has been approved, the USCIS then sends an approval notification to the National Visa Center. After being processed at the National Visa Center, documentation is then sent to the appropriate U.S. consulate or embassy for a K-1 visa application.
* If your alien fiancé/fiancée has a child or children less than 21years of age that he/she would like to bring to the United States, then you must put their names on the I-129F form.

**For the Alien Fiancé/Fiancée:**

* Once you receive a notice from the U.S. Consular Offices handling your case, fill out and submit all necessary documents.
* Complete other supporting documents, such as: the DS-156, DS-156K, I-693 medical examination form, and I-134 Affidavit of Support and submit them to the US Consular Office abroad.
* The U.S. consulate will set up an interview with you, the beneficiary alien. During the interview process, you will be subject to a digital fingerprint scan.
* Complete a regular interview; here you will be asked questions about your relationship, i.e. how you met, when you plan to marry, etc. Be prepared to answer such questions.

#### Timing for the process

**Petition preparation and filing:**

Depends on client providing required documents. 2 weeks after all required documents and fees are received.

**USCIS I-129 Review** and adjudication time – approximately 6 months

**Consular Processing** – depends on consulate, approximately 4-6 months

# **Requirements/Documents for a K-1/K-2 Visa**

**K-1 Visa**

**For U.S. Petitioner (to be filed with USCIS)**

* Your certificate of naturalization, certificate of citizenship, or U.S. birth certificate;
* Your Passport (if available);
* If you were previously married, provide documents to prove that all previous marriages were legally terminated (divorce decrees or certificate of divorce). A death certificate is necessary if previous spouses have passed away;
* If your name shown in the aforementioned documents has changed, you will need to provide legal documents to show how the name change occurred (i.e., a marriage certificate, adoption decree, court order, etc.);
* Your past three years' tax returns or past three years' tax return of other sponsors, if any;
* Two recently taken, identical color photos (2"X2") of yourself and two recently taken identical color photos (2"X2") of your fiancé/fiancée;
* Evidence that you have met your alien fiancé/fiancée (letters, photos, phone records etc.); and
* You must submit a copy of your criminal record if you had been convicted for a crime or crimes.

**For Alien Fiancé/Fiancée (to be completed at embassy or consulate abroad)**

* Your certificate of citizenship or birth certificate;
* Passport; which must be valid for 6 months from the date of your intended date arrival to the United States;
* If you were previously married, you will need to provide documents to prove that all previous marriages were legally terminated (divorce decrees or certificate of divorce).; A death certificate is necessary if previous spouses have passed away;
* If your name shown on the aforementioned documents has changed, you will need to provide legal documents to show how the name change occurred (i.e., a marriage certificate, adoption decree, court order, etc.);
* Medical examination (form I-693)—the consulate will tell you where to complete exam.
* Police Certificates (from places lived since 16 years of age);
* Evidence that you have met your fiancé/fiancée (letters, photos, phone records etc.);
* Two recently taken, identical color photos (2"X2") of yourself; and
* Evidence of financial support

**K-2 Visa (child of fiancé)**

* Valid passport;
* Form DS-156, 2 duplicate copies;
* 2 recently taken color photographs of yourself;
* An official copy of your birth certificate;
* I-134, Affidavit of Support; and
* Medical examination.

