



# *Form I-129F Petition for Alien Fiancé(e)*

**April 2015**



**U.S. Citizenship  
and Immigration  
Services**



# Purpose of the I-129F

**This form is filed by U.S. citizens to bring the following people to the United States as nonimmigrants:**

- **The fiancé(e) of a U.S. citizen (K-1) to allow the couple to marry in the U.S. so that the alien beneficiary may pursue adjustment of status. The fiancé(e)'s dependent child (K-2) may accompany the parent.**
- **The spouse of a U.S. citizen (K-3) and his/her child, (K-4) to allow them to enter the U.S and await the processing of an application for adjustment of status to lawful permanent resident.**



# K-1 Eligibility Requirements:

- **The petitioner must be a U.S. citizen.**
- **The parties must have met in person within 2 years before the filing date of the petition. (This requirement can be waived. See 8 CFR 214.2(k)(2).)**
- **The parties must have a bona fide intention to marry.**
- **The parties must be legally free to marry.**
- **The parties must be willing to conclude a valid marriage in the United States within 90 days after the alien's arrival.**



# IMBRA Requirements:

- **International Marriage Broker Regulation Act (IMBRA)**
- **Name of marriage broker, if applicable**
- **List of any prior petitions filed**
- **Convictions for any IMBRA specified crimes**



# K-1 Documentary Requirements

- **Proof of the petitioner's U.S. citizenship**
- **If either the petitioner or beneficiary were married previously, evidence the petitioner and beneficiary are free to marry and intend to marry within 90 days of the beneficiary's entry**
- **Evidence that the petitioner and beneficiary have met in person during the previous 2 years, or evidence to support a waiver of the meeting requirement**
- **Biographical forms and photos for the petitioner and beneficiary**



# Proof of U.S. Citizenship

- **U.S. birth certificate issued by a civil authority**
- **Unexpired U.S. passport issued for a period of at least five years**
- **Statement executed by U.S. Consular Officer**
- **Department of State Form FS-240, Report of Birth Abroad of a Citizen of the United States**
- **Certificate of Naturalization or Certificate of Citizenship**
- **Department of State issued Passport Card**



# Legally Able and Free to Marry

**If the petitioner indicates that either party has been previously married, a final divorce decree, decree of annulment, or a death certificate (issued by a civil authority) must be submitted to prove the termination of all previous marriages.**



## **Evidence may include:**

- **Photographs of the petitioner and beneficiary together**
- **Airline ticket stubs and receipts - that indicate the date(s) of travel**
- **Copies of passport pages showing admission stamps**
- **Military orders or letters from commanding officers**



# Waiver for Meeting Requirements 8 C.F.R. § 214.2(k)

**As a matter of discretion, USCIS may waive the 2 year meeting requirement if compliance:**

- **would result in extreme hardship to the petitioner, or**
- **would violate strict and long-established customs of the beneficiary's foreign culture or social practice, as where marriages are traditionally arranged by the parents of the contracting parties and the prospective bride and groom are prohibited from meeting subsequent to the arrangement and prior to the wedding day.**



# K-1 Application Process

- **The U.S. citizen petitioner files Form I-129F with USCIS.**
- **USCIS adjudicates the petition and sends approved petitions to the National Visa Center (NVC).**
- **The NVC routes the approved K-1 petition to the DOS Consular Post.**
- **The Consulate or Embassy interviews and if the beneficiary is found eligible, issues the K-1 nonimmigrant visa.**
- **The beneficiary travels to the US to marry the U.S. citizen petitioner within 90 days of admission.**
- **If marriage to USC petitioner occurs within 90 days, beneficiary files Form I-485 to adjust status to a lawful permanent resident.**



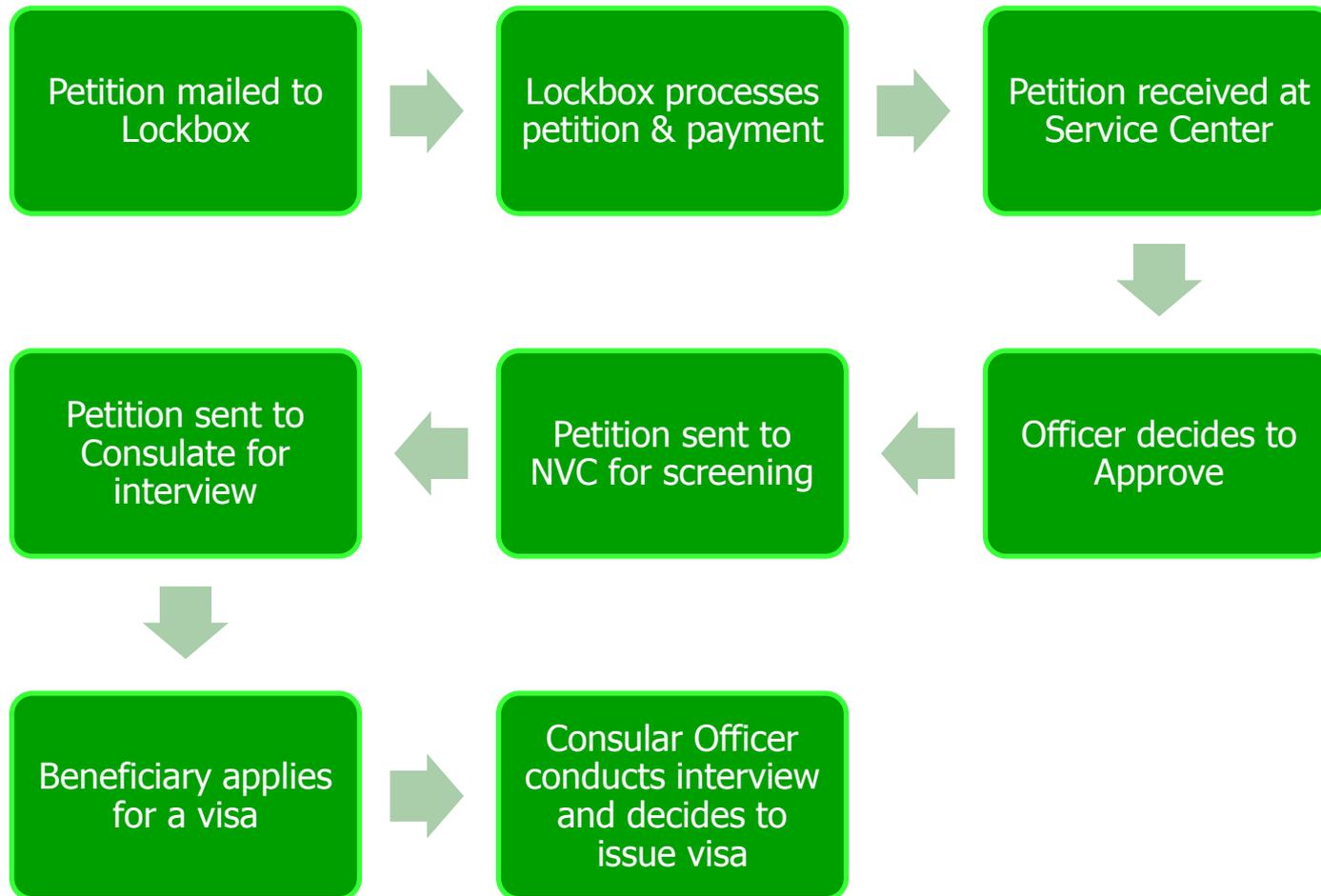
# Validity Period of K-1 Petitions

- **An approved K-1 visa petition is valid for 4 months from the date of USCIS approval ( 8 C.F.R. § 214.2(k)(5)).**
- **All I-129F petitions returned by DOS to USCIS as expired cases, will remain expired (8 C.F.R. § 214.2(k)(5)).**

**USCIS will not re-open expired K-1 petitions unless there is a clear error regarding statutory eligibility based on the record at the time of the original adjudication of the petition.**



# Lifecycle of an Approved I-129F





# K-3 Eligibility Requirements

- **Beneficiary must already be married to a USC who has filed a Form I-130 on his or her behalf.**
- **The same USC petitioner who files the Form I-129F K3/K4 nonimmigrant visa petition must file the Form I-130.**



- **Proof of USC**
- **Proof of I-130 previously/concurrently filed**
- **Proof of marriage**
- **Termination of any prior marriages**
- **Name of Marriage Broker, if applicable**
- **Biographical form and photos**



# IMBRA Requirements:

- **Name of marriage broker, if applicable**
- **List of any prior petitions filed**
- **Convictions for any IMBRA specified crimes**



# Evidence of the I-130

- **The I-130 must be filed prior to or concurrently with the I-129F. The filing receipt serves as proof of the I-130 filing.**
- **If the I-129F precedes the I-130 filing date, the I-129F will be denied.**



# Withdrawals

- **The approval of any I-129F petition is automatically terminated when the petitioner dies or files a written withdrawal of the petition, before the beneficiary arrives in the United States.**



# K-2/K-4 Nonimmigrant

- **The K-2 nonimmigrant visa allows the unmarried, minor child (under 21) of an alien classified as K-1 to accompany the K-1 to the U.S.**
  
- **The K-4 nonimmigrant visa allows the unmarried, under 21, minor child of an alien classified as K-3 to accompany the K-3 to the U.S.**



# Appeals and Motions

- **The denial of a Form I-129F petition for a K-1 may be appealed to the Administrative Appeals Office (AAO) in Washington, D.C.**
- **I-130 denials are appealed to the Board of Immigration Appeals (BIA).**



# Questions?





# About this Presentation

- Author: USCIS OLA
- Date of last revision: May 11, 2015
- This presentation is current only as of the date of last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.



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