

SUMMARY OF PROCESS

FOR THE K-1 FIANCÉ/FIANCÉE PROGRAM

A **K-1 visa** allows a United States citizen to bring a fiancé or fiancée to the United States for the purpose of marriage and becoming a lawful permanent resident.

The **5-step** process involves **U.S. Citizenship and Immigration Services (USCIS)**, the **U.S. Department of State (DOS)** and **U.S. Customs and Border Protection (CBP)**. (i) indicates an informational item.

1 A UNITED STATES CITIZEN ASKS USCIS TO RECOGNIZE THE CITIZEN'S FOREIGN FIANCÉ OR FIANCÉE.

The **U.S. citizen (the petitioner)** files **Form I-129F, Petition for Alien Fiancé(e)**, with USCIS. The petitioner must show that both parties are free to marry and **intend to marry within 90 days** of the foreign national's admission to the United States as a K-1 nonimmigrant. Generally, the U.S. citizen and the fiancé or fiancée must have **met each other in person** during the 2 years before filing the petition. For more details, see uscis.gov/i-129f.

USCIS performs background checks* on both individuals as part of the Form I-129F adjudication.

*Background checks include checks of criminal, national security and other information.

If **USCIS approves the Form I-129F**, the approval means that USCIS **recognizes** there is an intended marriage. USCIS will notify the petitioner and send the **approved petition** to the Department of State's National Visa Center (NVC). An approval does not give the foreign national permission to travel to the U.S. and **does not guarantee** that the Department of State will issue the K-1 visa.

2 THE NVC ISSUES THE FOREIGN FIANCÉ OR FIANCÉE A CASE NUMBER AND SENDS THE PETITION TO THE EMBASSY OR CONSULATE WHERE THE FOREIGN FIANCÉ OR FIANCÉE WILL APPLY FOR THE K-1 VISA.

DOS notifies the U.S. citizen petitioner when it is time for the foreign fiancé or fiancée to apply for the K-1 visa. **DOS conducts background checks**, including fingerprint checks, on the K-1 visa applicant (the foreign fiancé or fiancée). The visa applicant must bring documents to the **visa interview** including proof of the relationship and proof of medical examination.

If a **DOS consular officer finds** that the applicant is a **bona fide fiancé or fiancée** eligible for the visa, and is not inadmissible or otherwise ineligible for the visa, DOS will issue a visa that is valid for **no more than 6 months and a single entry** into the United States — meaning the fiancé or fiancée has **no more than 6 months to travel to the United States** and seek admission.

3 THE K-1 NONIMMIGRANT VISA HOLDER TRAVELS TO THE UNITED STATES AND SEEKS ADMISSION BY CUSTOMS AND BORDER PROTECTION (CBP).

As with any visa, the K-1 nonimmigrant visa simply allows an individual to travel to the United States to **seek admission** at a port of entry. Having a K-1 visa **does not guarantee** admission.

Inspection by CBP to make an admissibility decision at the port of entry includes all necessary systems queries, to include the collection of biometrics, and an interview. If CBP admits the K-1 visa holder, **the period of admission is 90 days**.

Admission on a K-1 visa is conditioned on **marrying** the same U.S. citizen petitioner **within those 90 days**. This period **cannot be extended** and a K-1 visa holder, with limited exception, **cannot change** to a different nonimmigrant classification without first leaving the United States to obtain the different classification.

To obtain lawful permanent residence after the marriage, the foreign national spouse must apply to **USCIS for Adjustment of Status**.

4 THE FOREIGN SPOUSE APPLIES TO USCIS FOR ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.

Once married, the foreign national spouse should file **Form I-485, Application to Register Permanent Residence or Adjust Status**, as soon as possible. For more details, see uscis.gov/i-485.

In processing Form I-485, **USCIS conducts background checks** on both spouses, including fingerprint checks on the foreign spouse, and may interview both spouses.

If lawful permanent residence is granted before the **second anniversary** of the marriage, the foreign spouse will be given 2-year conditional permanent resident status and a Green Card* valid for 2 years. (If permanent residence is not granted until after the second anniversary of the marriage, the applicant will be given lawful permanent resident status without conditions and a Green Card valid for 10 years.)

*Form I-551, Permanent Resident Card, is commonly known as a "Green Card."

5 THE CONDITIONAL PERMANENT RESIDENT PETITIONS USCIS FOR REMOVAL OF CONDITIONS ON HIS OR HER RESIDENCY.

A conditional permanent resident must petition to remove conditions on his or her status within **90 days** prior to the end of his or her conditional resident status. A conditional Permanent Resident Card **cannot be renewed**. The conditions must be removed, or the conditional permanent resident will **lose** lawful permanent resident status and be subject to removal from the United States.

To remove conditions, a conditional permanent resident files **Form I-751, Petition to Remove Conditions on Residence**, jointly with the U.S. citizen spouse, unless a waiver to the joint filing requirement applies. For details and exceptions, see uscis.gov/i-751.

During the process of removing conditions, USCIS determines if the marriage is bona fide **and again conducts background and fingerprint checks** on the conditional permanent resident, and may interview both spouses.

In the interest of public safety and national security, this document omits operational details of specific background checks.

