



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

**Presented by**

**USCIS Service Center Operations**

# Purpose of the I-129F

- **The K classification allows fiancé(e)s and spouses of U.S. citizens to be admitted as nonimmigrants for 90 days to enable them to marry the U.S. citizen and then apply for adjustment of status.**

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

- 1. Fiance(e)'s of U.S. citizens (K-1) to allow them to marry in the U.S. The Fiance(e)'s dependent children may accompany any (K-2).**
- 2. The spouse and his/her child(ren) of U.S. citizen to allow them to pursue adjustment of status to lawful permanent resident (K-3 and K-4).**

# K-1/K-2 Filing Requirements

- **Proof of USC**
- **Intent to Marry**
- **Met within 2 years**
- **Convictions of any IMBRA specified crimes**
- **Legally Free to Marry**
- **Name of Marriage Broker, if applicable**
- **List of any Prior Petitions filed**

# K-1 Eligibility Requirements:

- **the beneficiary is the fiancée or fiancé of a U.S. citizen**
- **the parties have previously met in person within 2 years before the date of filing the petition**
  - **the two year meeting requirement can be waived**
- **the parties have a bona fide intention to marry**
- **the parties are legally able to marry**
- **the parties are willing to conclude a valid marriage in the United States within 90 days after the alien's arrival**

# Proof of U.S. Citizenship

- **U.S. birth certificate issued by a civil authority**
- **Unexpired U.S. passport initially issued for a period of ten years (petitioner over 18) or five years (petitioner under 18)**
- **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**
- **Dept. of State issued Passport Card**

# Legally Able & Free to Marry

**If the petitioner indicates on the petition that either party or both have been previously married, a final divorce decree or a death decree issued by a civil authority must be submitted for all previous marriages**

# Evidence of Meeting in Person

Such 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**

# Meet Within 2 years – Waiver Requirements 8 CFR 214.2(k)

- **As a matter of discretion, USCIS may exempt the petitioner from the 2 year 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. If approved, USCIS sends to the National Visa Center (NVC).
- The NVC sends the approved K-1 petition to the Consulate or Embassy
- The DOS Consular Post schedules the beneficiary for an interview. If eligible, Post issues the K-1 Nonimmigrant visa.
- The beneficiary travels to the US to marry the U.S. citizen petitioner within 90 days of admission.
- Beneficiary files Form I-485 to adjust status to a conditional permanent resident.

# Validity Period of K-1 Petitions

- An approved K-1 visa petition is valid for a period of 4 months from the date of USCIS action in accordance with 8 CFR 214.2(k)(5).

# Consular Returned I-129F/K-1 Petitions

- **As of July 1, 2009, USCIS is allowing all consular returned I-129Fs from DOS that have expired in accordance with 8 C.F.R. 214.2(k)(5) to remain expired.**

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

# K-3/K-4 Filing Requirements

- **Proof of USC**
- **Proof of I-130 Filed**
- **Proof of Marriage**
- **Convictions of any IMBRA specified crimes**
- **Name of Marriage Broker, if applicable**
- **List of any Prior Petitions filed**

# K-3 Eligibility Requirements

- **Beneficiary must already be married to a USC who has filed a family based petition (Form I-130) on his or her behalf;**
- **The same USC petitioner has to file for K3/K4 nonimmigrant visa petition (Form I-129F)**
- **The Beneficiary must be seeking to enter the U.S to await the “availability” of an immigrant visa.**
- **Evidence of any criminal conviction(s) of the petitioner for any ‘specified crimes’**

# Documentary Requirements

- **I-129 F signed by the petitioner**
- **Proof of petitioner's USC status**
- **Marriage Certificate**
- **Evidence of name change (if applicable)**
- **Photos for petitioner and beneficiary**
- **G-325A for the petitioner and beneficiary**
- **Evidence of a filed I-130 (copy of filing receipt)**

# Evidence of the I-130

- **The I-130 must be filed prior to the I-129F. The filing receipt is serves as proof of the I-130 filing.**
- **If the I-129F precedes the I-130 filing date, the I-129F is 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 is meant to allow the unmarried, under 21, minor child of an alien classified as K-1 to accompany the K-1 to the U.S.**
- **The K-4 nonimmigrant visa is meant to allow 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.**
- **The denial of a Form I-129F petition for a K-3 follows the I-130 denial.**
- **I-130 denials are appealed to the Board of Immigration Appeals (BIA).**

# Checks and Balances

## Additional Levels of Review

- **Beneficiaries are interviewed by DOS consular officers whom issue the K-1 and K-3 visas**
  - This provides important checks and balances
- **USCIS adjudicates cases based on evidence submitted and refers questionable cases to the Center Fraud Detection Office (CFDO)**
- **When USCIS receives cases from returned from Post that are marked with a red “Fraud” stamp from DOS, they are immediately referred to the CFDO.**

# Questions? Thank You!

