

## **K1 Visa Guide: Everything You Need to Know About the K1 Fiance Visa**

The K1 visa (also called the fiancé visa) is a special visa which allows the fiancé of a U.S. citizen to come to the United States, marry their U.S. citizen fiancé, and get their green card while in the U.S.

In this guide, I will discuss the important details of the K1 visa. If you have any questions, feel free to email me directly at [Info@immigrationlawfirmlltd.com](mailto:Info@immigrationlawfirmlltd.com). I'm very responsive via email and I would be happy to help you.

### **Overview:**

1. What is the K1 Visa?
2. What are the Benefits of a K1 Visa?
3. K1 Visa Requirements
4. K1 Visa Process

5. K1 Visa Processing Time

6. What are the Documents Required to Get a K1 Visa?

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## **1. What is the K1 Visa?**

The K1 visa (also called the fiancé visa) is a special visa which allows the fiancé of a U.S. citizen to enter the United States, marry their U.S. citizen fiancé, and adjust status in the United States to get their green card.

To get a K1 visa, your U.S. citizen fiancé must file a Form I-129f on your behalf in addition to other steps discussed below. Your U.S. citizen fiancé is

the **petitioner** (person filing the petition) and you (the person getting the K1 visa) are the **beneficiary** (person benefiting from the petition).

Getting a K1 visa based on your engagement to a US citizen can be a complicated process. You must meet specific eligibility requirements and you must follow precise steps. If you fail to file paperwork correctly or you fail to complete the necessary steps then your case may face huge delays, or even worse, be denied.

## 2. What are the Benefits of a K1 Visa?

There are several benefits to getting a K-1 Visa. Here are just a few:

### Eligibility to Adjust Status in the United States

One of the main benefits of a K1 visa is that it allows you to enter the U.S. for the purpose of marrying your U.S. citizen fiancé. In fact, one of the requirements of the K1 visa is that both the parties must have the intent to marry each other within 90 days of the K1 visa beneficiary's entry to the U.S. If you get married to each other within 90 days of your entry to the U.S., you can apply for an adjustment of status to get your green card. An adjustment of status is the process of becoming a lawful permanent resident (U.S. green card holder) while inside of the U.S. The entire adjustment of status is done within the United States, **without** the need for the K1 visa beneficiary to leave the country for a visa interview.

### Ability to Apply for Work Authorization

Another benefit of a K1 visa is that it allows you to apply for work authorization **immediately** upon entering the United States on your K1 visa. You may apply for work authorization once you have been admitted into the U.S. on a K1 visa by filing a Form I-765 (Application for Employment Authorization). If you apply for work authorization before getting married to your U.S. citizen fiancé, then the work authorization will expire 90 days after your admission to the U.S.

In addition to applying for work authorization upon entering the U.S. **you also may be eligible to apply for work authorization** when you apply for your adjustment of status (after marriage to your U.S. citizen spouse).

### Immigration Benefits for Your Children

Another benefit of the K1 visa is that it may provide immigration benefits for your children. If your child is unmarried and under the age of 21 years old, they may qualify for a K2 visa to accompany you to the United States. Once you marry your U.S. citizen fiancé, your unmarried children that are in the U.S. on their K2 visa may apply for an adjustment of status to get their green card as well.

### Avoid Filing the Form I-130

Usually, to get a marriage based green card, your spouse is required to file a [Form I-130](#) "Petition for Alien Relative" on your behalf. With a K1 fiancé visa, you can avoid the I-130 process and apply directly for the adjustment of status (Form I-485) upon entry to the U.S. and marriage to your U.S. citizen fiancé.

## 3. K1 Visa Requirements

## Petitioner Must be a U.S. Citizen

In order to qualify for a K1 visa, the petitioner (your fiancé) must be a **U.S. citizen**. U.S. lawful permanent residents (green card holders) are **not eligible** act as the petitioner for a K1 visa application.

## Both Parties Must be Free to Marry

To qualify for a K1 visa, both parties must be legally free to marry. This means that all prior marriages (if applicable) must be terminated.

## Intent to Get Married within 90 Days

To qualify for a K1 visa, both parties must intend to get married to each other within 90 days of the K1 visa beneficiary's admission to the U.S. As part of the initial petition for a K1 visa, The U.S. citizen petitioner must submit clear evidence demonstrating both parties' intent to get married.

## Physical Meeting Requirement

To qualify for a K1 visa, you must prove that you and your fiancé met in person within the two-years prior to filing the initial petition for a K1 visa. This requirement was put in place to deter situations involving "mail-order brides."

There are 2 exceptions to the physical meeting requirement:

### **Established Custom Exception**

One exception to the physical meeting requirement is if meeting each other in person would violate strict and long-standing customs of the K1 visa beneficiary's culture or social practice. If you plan to rely on this exception, you should present evidence supporting the existence of these customs (such as letters from religious officials). You should also provide evidence from family members and friends attesting to the fact that you are complying with these customs.

### **Extreme Hardship Exception**

Another exception to the physical meeting requirement is if there is some type of extreme hardship preventing the parties from complying with the physical meeting requirement. Some examples of extreme hardships include political conditions preventing travel to the fiancé's home country, issues preventing the prospective k1 visa beneficiary from leaving their home country and traveling to the U.S., financial difficulties, or medical issues that have affected either parties' ability to travel. If you plan to rely on this exception, you should be prepared to provide evidence proving the basis of your extreme hardship.

## **4. K1 Visa Process**

Getting a K1 fiancé visa is a multi-step process. Here is a quick outline of the process followed by a more detailed explanation:

- Satisfy K1 Visa Requirements
- U. S. Citizen Petitioner Files Form 1-129f
- File Form DS-160
- K1 Visa Interview
- Enter the U.S. on K1 Visa (Inspection at Port of Entry)
- Marriage
- Adjustment of Status
- Adjustment of Status Interview

### Satisfy K1 visa requirements

The first step in the K1 visa process is to make sure you satisfy the K1 visa requirements. Two requirements that you should pay particular attention to are the listed below:

- **End to prior marriages:** You and your fiancé must be legally eligible for marriage, or in other words if you or your fiancé(e) had been married before, your previous marriage must be officially terminated.
- **Physical Meeting:** Within two years of filing the Form I-129f, you and your fiancé must have met in person at least once. If you cannot satisfy this requirement, make sure that you fall in to one of the exceptions described above.

## **U.S. Citizen Petitioner Files Form I-129f**

The next step in the K1 visa process is for the U.S. citizen petitioner to file the Form I-129F with USCIS. The I-129F, or the “Petition for Alien Fiancé(e)”, is the first form that is filed with the United States Citizen and Immigration Services (USCIS).

The Form I-129f is filed along with several evidentiary documents including proof that you intend to marry your fiancé within 90 days of your arrival into the U.S. and proof that you have met your fiancé within the last two years of filing.

Essentially, the Form I-12fF proves that you satisfy the K1 visa requirements.

## **File Form DS-160**

After the U.S. citizen petitioner files the Form I-129f, USCIS will review the form for approval. Once USCIS approves the Form I-129F, the next step is for the K1 visa beneficiary to file a Form DS-160 with the Department of State. The DS-160 is the Application for Non-Immigrant Visa.

## **K1 Visa Interview**

The next step is for the K1 visa beneficiary to attend a K1 visa interview at a U.S. consulate or embassy in their home country.



At the interview, you must bring all required forms and documents and answer various questions concerning yourself, your U.S. citizen fiancé, and your relationship with your U.S. citizen fiancé. For more information on what forms and documents you must bring and the types of questions you will have to answer at your interview, see below.

### Enter the U.S. on K1 Visa (Inspection at Port of Entry)

After you successfully complete your K1 visa interview, you should receive a valid K1 visa to seek entry to the U.S. Once you receive your K1 visa, the next step is to seek entry to the United States. At the Port of Entry (POE) you will likely be questioned by Customs and Border Protection regarding the purpose of your entry to the United States.

### Marriage

After you have been admitted to the U.S. with your K1 visa, the next step is to marry your U.S. citizen fiancé. You must marry your U.S. citizen fiancé **within 90 days of your arrival into the U.S.**

### Adjustment of Status

Assuming you and your U.S. citizen fiancé got married within 90 days of your entry to the U.S. the next step is to apply for an adjustment of status. An adjustment of status is the process of going from non-immigrant status to permanent resident status (green card). To do this, you are required to file a Form I-485 with USCIS. The Form I-485 is "Application to Register Permanent

residence or Adjust Status.” The adjustment of status process is handled entirely in the U.S.

Here are Some of the Requirements for doing an Adjustment of Status:

- You must have entered the United States legally
- You are physically present in the United States at the time the Form I-485 is filed
- You cannot be inadmissible for immigration. There are 10 categories of reasons why someone may be inadmissible to the United States (based on criminal convictions, health-related issues, etc.). You cannot fall within any of these categories.

### **Adjustment of Status Interview**

Several months after applying for your adjustment of status (Form I-485), you may be required to attend an adjustment of status interview. At the adjustment of status interview, a USCIS officer in charge of your case will ask various questions to determine whether your marriage is bona-fide and not just entered into for immigration benefits.

### **5. K1 Visa Processing Time**

The overall time it will take for your K1 visa to process will depend on many factors, including current USCIS processing times as well as how busy the consulate or embassy is that will be handling your K1 visa interview. To check current USCIS processing times you may check the [USCIS case process time](#) resource. You may also email me directly at [Info@immigrationlawfirmlltd.com](mailto:Info@immigrationlawfirmlltd.com).

## **6. What are the Documents Required to get a K1 Visa?**

There are many documents that you may need to include with your petition for a K1 visa. The required documents will vary depending on your particular situation and the evidence that you have available.

If you will be submitting documents that are written in a foreign language, you should include certified English translations of these documents.

Below is a general list of some of the documents that may be required at the Form I-129f stage. Please keep in mind that this is a general list. You should review your case with an experienced immigration lawyer prior to determining the specific documents that you should include with your petition.

### **Required Documentation When Filing Form I-129f**

- Unexpired passport of U.S. citizen petitioner to show evidence of U.S. citizenship

- Final divorce decrees and any other evidence that you or your fiancé have legally terminated all previous marriages (if applicable)
- Passport photos
- Evidence of legal name change (if applicable)
- Photo of you and your fiancé together
- Flight tickets, itinerary, and passport stamps showing travel to see fiancé
- A signed statement from the K1 visa beneficiary and the U.S. citizen petitioner expressing each person's intent to marry the other within 90 days of the K1 visa beneficiary's entry to the U.S.
- Phone call logs showing regular communication with each other
- Text message threads showing regular communication with each other
- Copies of letters exchanged between each other
- Signed statements from friends and family attesting to the relationship between both parties.

## 7. K1 Visa Form

There are multiple forms that are required throughout the K1 visa process. Here is a quick overview of some of the forms:

**Form I-129f:** The Form I-129f is also called the “Petition for Alien Fiancé(e).” This is the initial form that is filed by the U.S. citizen petitioner with USCIS. This form is filed along with several documents establishing that the petitioner is a U.S. citizen, that both parties intend to get married within 90 days of the K1 visa beneficiary’s entry to the U.S. and that both parties have met within the last 2 years prior to filing the petition. [You can learn more about the Form I-129f here.](#)

**Form I-765:** The Form I-765 is also called the “Application for Employment Authorization.” This form can be filed at 2 separate times throughout the K1 visa process. You may file this form upon your entry to the U.S. on a K1 visa to get work authorization prior to marrying your U.S. citizen fiancé. You may also file this form at the adjustment of status stage. [You can learn more about the Form I-765 by clicking here.](#)

**Form DS-160:** The Form DS-160 is the Online Nonimmigrant Visa Application. You must complete this form and submit it online in order to apply for your K1 visa. [You can learn more about the DS-160 by clicking here.](#)

**Form I-485:** This form I-485 is the Application to Register Permanent Residence or Adjust Status. This is the form that must be filed to go from non-immigrant status to permanent resident status (green card). This is the form that you file after you marry your U.S. citizen fiancé. [You can learn more about the Form I-485 here.](#)

**Form G-28:** The Form G-28 is the Notice of Entry of Appearance as Attorney or Accredited Representative. You must fill out and sign this form if you hire an attorney to help file the forms for your K1 visa. If you hire a US immigration lawyer you will likely be asked to sign the Form G-28; it will allow your attorney to submit applications/petitions on your behalf; represent you before USCIS; and send and receive correspondence with USCIS on your behalf. When you fill out the Form G-28, you can choose your preferences for receiving notices and secure documents from USCIS. [You can learn more about the Form G-28 here.](#)

## 8. K1 Visa Fees

**At the time of the publishing of this guide, the K1 visa fees are as follows (make sure to check these fees prior to filing your case as they are subject to change):**

- **Immigration Lawyer Legal Fee:** Your immigration lawyer will charge you to prepare and file your Form I-129f and to represent you throughout the k1 visa process. This fee will range depending on your immigration lawyer.
- [Form I-129f Filing Fee:](#) \$535.00
- [Form DS-160 Filing Fee:](#) \$265.00
- [Form I-485 Filing Fee:](#) \$1,225.00

- [Form I-765 Filing Fee](#): \$410.00 (may not be required if filing concurrently with Form I-485)
- Medical examination: costs vary depending on your doctor and the particular situation
- Other costs (including translation and photocopying charges for documents required for the visa application and travel costs to the US): costs vary from country to country and case to case.

## 9. K1 Visa Interview Questions

There are many potential questions that you may be asked during your K1 visa interview. Here are just some potential questions that you may be asked.

### **Background questions about you:**

- What is your name?
- What is your date of birth?
- Where were you born?
- How old are you?
- What is your nationality?
- What languages do you speak?

- Do you have any children?
- Were you previously married? If so, when?
- If you were previously married, is that marriage now officially over?
- Have you been to the United States before? Under what status?
- Do you have family in the United States?
- Have you ever been arrested?
- Have you ever been convicted of a crime?
- What is your profession?

**Questions about the U.S. Citizen Petitioner (Your Fiancé):**

- What is your fiancé's full name?
- When is your fiancé's date of birth?
- Where was your fiancé born?
- Where does your fiancé live?
- What does your fiancé do for work?
- Has your fiancé been married before? If so, is the prior marriage now over?
- Does your fiancé have children? If so, how many?

**Questions About your Relationship with your Fiancé:**

- When did you meet your fiancé?



- How did you meet your fiancé?
- Have you ever visited your fiancé in the U.S.?
- Has your fiancé ever visited you in your home country?
- When did you and your fiancé get engaged?
- Did you have an engagement party?
- How did your fiancé propose to you?
- Have you already planned your wedding?
- How many times have you and your fiancé met in person?
- How often do you speak to your fiancé?

## 10. Conclusion

The K1 visa is a special visa which allows the fiancé of a U.S. citizen to enter the United States, get married to their U.S. citizen fiancé, and adjust status in the U.S. to get their green card. You should now have a much stronger understanding of the various aspects of the K1 visa, including the K1 visa benefits, K1 visa requirements, and K1 visa process.

If you have any questions on any of the information discussed in this guide, feel free to email me directly at [Info@immigrationlawfirmlltd.com](mailto:Info@immigrationlawfirmlltd.com). I'm a U.S. immigration lawyer, I'm very responsive via email, and I would be happy to help you.