

THE K-1 VISA FOR FIANCEES OF US CITIZENS

Sometimes US citizens start dating foreign nationals who are not physically present in the US or do not yet have legal permanent residence status. The second group of people could be visiting the US temporarily on a work or pleasure status which requires them to return to their country upon the expiration of their allowed stay.

Assuming that those people do not marry the US citizen in the United States, when the foreign national returns to their home country but the relationship with the US citizen strengthens to the point where marriage is contemplated by the parties, the K-1 visa may be a good means to bring the foreign national into the US. The K-1 visa permits the fiancée to enter the United States for a period of up to 90 days to marry the US citizen and apply for a green card.

Before the establishment of the K visa, the US citizen would have to marry the foreign national outside the US and then apply for a spousal visa through a process that was not completed in the US. Sometimes the process took a long time to be processed and the family could not be united anytime soon. Furthermore, the foreign national spouse did not have enough time to adjust to life in the US unless he or she was already married to the US citizen. This was a big adjustment in one's life, and it made this transitional period very difficult for many people.

To a certain extent the K-1 visa for fiancées solves many problems. First, it allows the foreign national to enter the US first and to have up to 90 days to marry the US citizen. This would allow then for the foreign national to apply for a green card while in the US. That way the foreign national would be allowed to stay in the US while the case is being processed, therefore, having the ability to adjust to life in this country, assimilate its culture, nurture the marital relationship, create jointly held assets with the US citizen spouse, and ultimately, prepare a well substantiated case for the green card interview.

Another advantage of the fiancée visa is that the K1 visa may be obtained a lot faster than an immigrant visa. Sometimes a K1 visa may be obtained in a matter of a few weeks, as the US consul abroad has discretion to adjudicate them, and Immigration approval is not a requirement.

When a foreign national received a fiancée visa, the individual has two options: the foreign fiancée can either marry the US citizen within 90 days after the entry into the US or the foreign fiancée must leave the US prior to the end of the 90 days period. Unfortunately, the regulations do not allow K1 visa holder to apply for a change of status of remain in the US after the 90th day. The foreign national that violates this rule could be subject to detention and deportation and could have problems in the future if the fiancée decides to marry another US citizen.

The following is a list of some of the requirements of the K1 visa for fiancés:

1. Have previously met in person the US citizen within 2 years of the date of the filing of the petition, unless a waiver is granted in rare circumstances.
2. have a good faith intention to marry the US citizen
3. are legally able and willing to marry the US citizen to conclude a valid marriage in the US within 90 days after the fiancée's entry into the US
4. The petitioner must be a United States citizen. Legal Permanent Resident "Green Card" holders of the U.S. are not allowed to obtain a K1 Visa for their foreign fiancée.
5. The U.S. citizen petitioner must meet a minimum income requirement as determined by the federal government.

6. The foreign fiancée must pass a medical exam at a clinic approved by the U.S. Consulate that is processing the fiancée visa application. The fiancée must not have any type of communicable disease or serious mental illness.

7. The foreign fiancée must also not have a criminal record. Some arrests and/or convictions are exempt from this requirement. If there is a concern in anyone's situation then the individual should consult an immigration attorney experienced with fiancée visas before proceeding further.

Any US citizen that has a boyfriend or girlfriend overseas whose relationship meets the requirements described above may apply for a fiancée visa. It is a quick and effective means to bring the foreign national fiancée into the US for purposes of marriage.