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I-129F Fiancé / Spouse Petition Overseas

→ **Who can file for a K-1 (and K-2 derivatives) Fiancé visa? (Preference Category)**

Petitioner must be a US Citizen
Petitioner has met Fiancé "face-to-face" at least once in the last two years
Petitioner must have sufficient income
Petitioner must not have certain crimes on their record

You can also file as a K-3 (and K-4 derivatives) Spouse visa if you have filed a relative petition (Form I-130) with USCIS and have a receipt. This will allow your spouse and their children to await the approval of Form I-130 in the U.S. with you.

→ **How long does my Fiancé hold that nonimmigrant status when they arrive to the U.S.?**

The nonimmigrant visa holder under K-1 (and K-2) category must marry the US Citizen petitioner within 90-days of their arrival to the U.S. Once married, an Adjustment of Status application package is required to get their green card (conditional).

→ **My Fiancé was denied a visitor visa, can they also be denied a fiancé visa?**

Visitor visa and Fiancé visa are two separate things. Visitor visa is discretionary. Fiancé visa is a process of which a US Citizen files a petition for his/her fiancé with the USCIS and DHS to bring his/her fiancé to the U.S. The US Consulate generally only denies Fiancé petitions if they suspect fraud (even if fraud was committed in obtaining visitor visa); they don't believe the genuineness of the relationship; or perhaps believe the fiancé will become a public charge (seeks public/government assistance) and you don't have the sufficient income to support the case.

→ **What are the steps?**

First, the petition is filed with USCIS. Once USCIS approves it, they will send the file and approval to NVC for visa processing.

→ **If my fiancé arrived and we didn't marry within 90-days because we split up, can he/she marry someone else and stay in the U.S.?**

If the petitioner and nonimmigrant fiancé did not get married within 90-days, he/she is out of status if they remain in the U.S. which will place them in deportation proceedings as they overstayed in the U.S. illegally. It is best that he/she return back to their country of citizenship. He/she cannot maintain their K-1 (and K-2) status if they decided to marry someone else because their visa was approved based on marriage to you, the petitioner.

→ **My first Fiancé petition failed/we never married, when can I file another petition if I have a relationship with someone else that's not in the U.S.?**

You have to wait 2-years to file a second I-129F. A US Citizen has a limit of 2 fiancé petitions, unless there are grounds for a waiver.

→ **How many applications do I need if my fiancé/spouse has children?**

One I-129F is needed to file with USCIS. All accompanying derivatives (under 21) will be included in the visa process.