



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

May 11, 2015



U.S. Citizenship
and Immigration
Services

AILA Doc. No. 15051966. (Posted 5/19/15)



Purpose of the I-129F

The purpose of Form I-129F is to allow U.S. citizens, to:

- **Bring their fiancé(e) (K-1) to the U.S. for marriage, and that person's children (K-2); or**
- **Bring their spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status.**



K-1 ELIGIBILITY REQUIREMENTS



K-1 Eligibility Requirements:

- **The petitioner must be a U.S. citizen.**
- **The U.S. citizen and fiancé(e) must have met in person within 2 years before the filing date of the K-1 petition. (This requirement can be waived under certain circumstances).**
- **The U.S. citizen and fiancé(e) must have a bona fide intention to marry.**
- **The U.S. citizen and fiancé(e) must be legally free to marry.**
- **The U.S. citizen fiancé(e) must marry within 90 days after the K-1's admission into the United States.**



K-1 Documentary Requirements

- **Proof of the petitioner's U.S. citizenship**
- **If either the petitioner or beneficiary were married previously, evidence that all previous marriages have been legally terminated**
- **Evidence of intent to marry within 90 days of the beneficiary's admission**
- **Evidence that the petitioner and beneficiary have met in person during the previous 2 years, or evidence to support a waiver of the meeting requirement**
- **Biographical forms and photos for the petitioner and beneficiary**
- **Documents showing IMBRA compliance, as applicable**



Proof of U.S. Citizenship

Proof of U.S. Citizenship may include one of the following:

- **U.S. birth certificate issued by a civil authority**
- **Unexpired U.S. passport issued for a period of at least five years**
- **Department of State Form FS-240, Report of Birth Abroad of a Citizen of the United States**
- **Certificate of Naturalization or Certificate of Citizenship**



Legally Able and Free to Marry

If the petitioner indicates that either party has been previously married then evidence of termination of all prior marriages should be submitted.

Such termination documents issued by a civil authority include:

- **a final divorce decree;**
- **a decree of annulment;**
- **a death certificate.**



Evidence of Meeting in Person

Examples of acceptable evidence include, but are not limited to:

- **Photographs of the petitioner and beneficiary together, taken within 2 years of filing the I-129F**
- **Airline ticket stubs and receipts indicating the date(s) of travel**
- **Copies of passport pages showing admission stamps**
- **Military orders or letters from commanding officers**



Waiver for Meeting Requirements

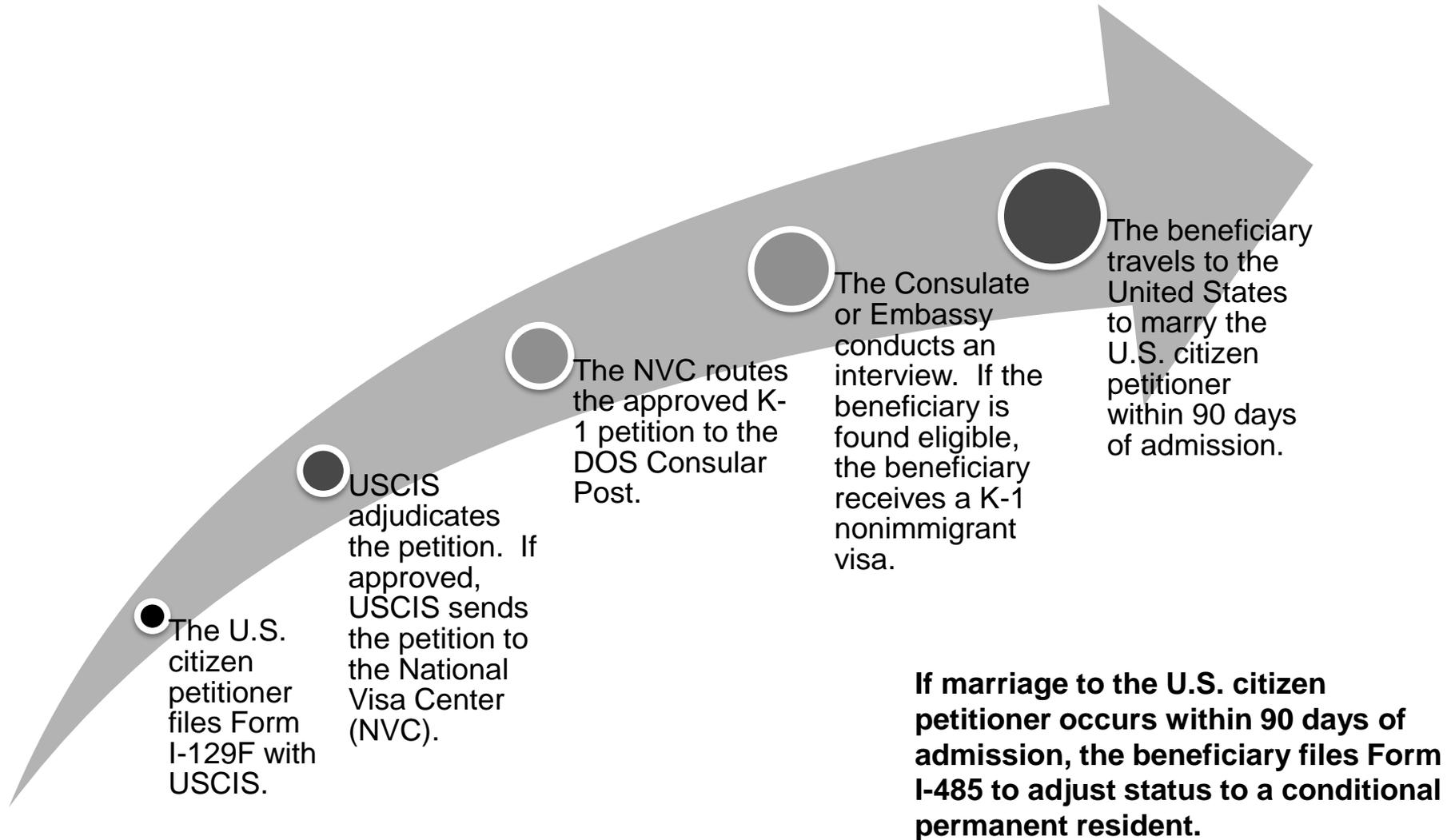
8 C.F.R. § 214.2(k)

Under certain circumstances USCIS may waive the two year meeting requirement if complying would:

- **Result in extreme hardship to the U.S. citizen petitioner; or**
- **Violate strict and long-established customs of the beneficiary's foreign culture or social practice.**



K-1 Application Process





Validity Period of K-1 Petitions

- **An approved K-1 visa petition is valid for 4 months from the date of USCIS approval (8 C.F.R. § 214.2(k)(5)).**
- **All I-129F petitions returned by DOS to USCIS because the beneficiary was found ineligible to receive a K-1 visa are allowed to remain expired (8 C.F.R. § 214.2(k)(5)).**
- **USCIS will not re-open expired K-1 petitions, unless there was a clear error regarding statutory eligibility in the record at the time of the original adjudication of the petition.**



K-3 ELIGIBILITY REQUIREMENTS



K-3 Eligibility Requirements

- **The beneficiary must already be married to a U.S. citizen who has filed a Form I-130 on his or her behalf.**
- **The same U.S. citizen petitioner who files the Form I-129F K3/K4 nonimmigrant visa petition must have also filed the Form I-130.**



- **Proof of the petitioner's U.S. citizenship**
- **Proof of an I-130 previously/concurrently filed**
- **Proof of marriage**
- **Termination of any prior marriages**
- **Name of the marriage broker, if applicable**
- **Biographical forms and photos**
- **Documents showing IMBRA compliance, as applicable**



For K-3 filings on Form I-129F:

- **The I-130 must be filed prior to or concurrently with the I-129F. The filing receipt serves as proof of the I-130 filing.**
- **If the I-129F precedes the I-130 filing date, the I-129F will be denied.**



K-2 & K-4 ELIGIBILITY REQUIREMENTS



K-2/K-4 Nonimmigrant

- **The K-2 nonimmigrant visa allows the unmarried, minor child (under 21) of an individual classified as a K-1 fiancé(e) to accompany or follow to join the K-1 to the United States.**
- **The K-4 nonimmigrant visa allows the unmarried, under 21, minor child of an individual classified as a K-3 spouse to accompany or follow to join the K-3 to the United States.**



THE INTERNATIONAL MARRIAGE BROKER REGULATION ACT OF 2005 (IMBRA)



Purpose of IMBRA:

The International Marriage Broker Regulation Act of 2005 (IMBRA) was created to prevent violence against noncitizen spouses, fiancé(e)s, and their children by informing them of a petitioner's criminal convictions for specified offenses and/or any protection or restraining orders before they enter the United States.



IMBRA Requirements:

To comply with IMBRA, K-1 and K-3 petitioners must submit the following information:

- **If an international marriage broker (IMB) was used:**
 - **The name of the marriage broker**
 - **A copy of the signed, written consent form that the IMB obtained from the beneficiary authorizing the release of his/her personal information to the petitioner**
- **List of any prior petitions filed**
- **Convictions for any IMBRA specified crimes**
- **Any restraining or protection orders related to convictions for any IMBRA specified crimes**



IMBRA specified crimes include the following:

- **Domestic Violence**
- **Child Abuse and Neglect**
- **Sexual Assault**
- **Homicide**
- **Incest**
- **Assault**
- **Kidnapping**
- **Three or more convictions for crimes relating to a controlled substance or alcohol not arising from a single act.**



IMBRA Waivers:

A waiver of the multiple filing limitation is required for K-1 petition approval.

- **General Waiver (multiple filer, no criminal convictions)**
- **Extraordinary Circumstances Waiver (multiple filer, record of violent criminal offenses)**
- **Mandatory Waiver (multiple filer, record of violent criminal offenses resulting from domestic violence, but not the primary perpetrator of violence in the relationship)**



WITHDRAWALS & APPEALS



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.



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.**

- **Form I-130 denials are appealed to the Board of Immigration Appeals (BIA).**



Questions?





About this Presentation

Author: Texas Service Center

Date of last revision: May 2015

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