

THE BOORA LAW GROUP PLC©

VISA FOR FIANCÉ(E) OF U.S. CITIZENS¹

If you are a citizen of the United States and want to bring your foreign fiancé(e) to the United States of America to get married, according to the USCIS (U.S. Citizen and Immigration Services) you will need to file Form I-129F, Petition for Alien Fiancé(e). This is the first step in the process of obtaining a K-1 nonimmigrant visa. The K-1 nonimmigrant visa is also known as a fiancé(e) visa.²

According to the USCIS to obtain a K-1 visa, you and your fiancé(e) must intend to marry each other within 90 days of your loved one entering the United States as a K-1 nonimmigrant. Furthermore, you must have a bona fide intent to establish a life together and that the marriage is not for the sole purpose of obtaining an immigration benefit which can result in potential legal issues.³

Once admitted to the United States as a K-1 nonimmigrant, if your fiancé(e) marries you within 90 days,⁴ he or she may apply for lawful permanent resident status (Green Card-Form I-485).⁵ However, if you have already married, have made plans to get married outside of the United States or your fiancé(e) is already residing lawfully and legally in the United States, then eligibility for a fiancé(e) visa will prove difficult and other potential options can be explored, for example, adjustment of status.

¹This article is for information purposes only, if you required legal advice you will need to consult with a licensed attorney. Attorney Kulwant Singh Boora is a licensed attorney in the State of Michigan and a member of the State Bar.

²8 U.S.C. § 1184(d).

³See *Diana Jomaa; Georgia Rizk v. United States of America, et al.*, 940 F.3d 291 (6th Cir. 2019) noting by marrying, the individual sought to evade immigration laws and to obtain immigration benefits fraudulently and the person "...entering into a fraudulent marriage and attempting to deceive not only the USCIS but also the state of Michigan..." *Id.* *293.

⁴8 U.S.C. § 1101(a)(15)(K)(i).

⁵The usual procedure is that you will be granted a conditional Green Card and will have to apply to remove the condition after a certain period of time.

When considering a fiancé(e) visa, one should note that there are eligibility requirements to bring your fiancé(e) to the United States, some of the eligibility requirements are:

- That you are a U.S. citizen.
- That you and your fiancé(e) are legally entitled to marry each other.⁶
- That you and your fiancé(e) intend to marry one another within 90 days⁷ of your fiancé(e)'s lawful admission to the United States on a K-1 nonimmigrant visa.⁸
- There is also a requirement that you met each other in person at least once within the 2-year period before you file your petition.⁹ However, you may request a waiver of this in-person meeting, if you can show that the meeting in person would violate strict and long-established customs of your fiancé(e) foreign culture or social practice; or result in extreme hardship to you as the U.S. citizen petitioner.¹⁰

There are numerous other requirements and procedures that must be met in order to obtain a fiancé(e) visa. For example, interview at the local U.S. Embassy or consulate office or if you are denied a visa, what are your options, also you must comply with the requirements once you are married within the United States. Furthermore, if you have children from a prior marriage who under the age of 21 (not married) and you wish to marry a U.S. citizen, you may be required to file K-2 nonimmigrant visa. We understand

⁶*Diana Jomaa; Georgia Rizk v. United States of America, et al.*, 940 F.3d 291 (6th Cir. 2019).

⁷However, if you marry your fiancé(e) after the 90-day period you may be required to file another form, but generally failure to marry within that time frame could amount to violation(s) of U.S. immigration law and result in legal issues.

⁸An alien who is admitted on a fiancé visa must marry his U.S. citizen fiancée within 90 days or he or she could be subject to removal. See 8 U.S.C. § 1184(d)(1).

⁹8 U.S.C. § 1184(d)(1) noting in part that "...It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 years before the date of filing the petition...."

¹⁰8 U.S.C. § 1184(d)(1).

that each case varies depending on person's particular circumstances, contact our office to discuss your needs and see how we can help you with your individual matter.

The Boora Law Group PLC
5321 Raven Parkway
Monroe, Michigan 48161
Tel: (734) 790-3909
www.booralawgroup.com