



Chapter 3: Fiancé visas

Fiancé visas generally

A U.S. citizen can sponsor their fiancé for a special visa to immigrate to the U.S. and eventually become a green card holder. This is called a fiancé visa. There are three main steps involved in the process: the fiancé visa petition, followed by consular processing (the fiancé visa interview at a U.S. embassy / consulate abroad), and finally adjustment of status in the U.S. (the green card application).

The fiancé visa process is more expensive and time-consuming than adjustment of status or consular processing after marriage. But it can be a good option if you're not yet married and want to explore whether you will be happy in the U.S. with your U.S. citizen fiancé. With a fiancé visa, you can come to the U.S. and you will have 90 days to either marry your partner, or go home if things don't work out.

Step 1: The fiancé visa petition

Required forms and documents

You will need to complete form I-129f. An optional form is the G-1145 form.

Let's explore these forms in detail.

I-129f, fiancé petition

Form I-129f is the fiancé petition. Your U.S. citizen fiancé is the petitioner, and you (the visa applicant) are the beneficiary. The I-129f form is 13 pages in length, and USCIS requires certain information about both your U.S. citizen fiancé and you, such as your address history for the last five years, your employment history, and information about your children.

Your U.S. citizen fiancé will file this application with USCIS. With your form I-129f, your fiancé will need to include the following documents:



- Proof of your fiancé's U.S. citizenship (U.S. passport photo page, birth certificate if they were born in the U.S., certificate of naturalization, etc.)
- Your divorce certificates, if you were previously married
- Your fiancé's divorce certificates, if they were previously married
- Proof that your relationship is "bona fide" (authentic), such as 15-20 photos of your fiancé and you together, money remittances (e.g. Xoom, Zelle, Western Union), emails and Whatsapp/text messages, flight and hotel receipts for trips taken together, passport stamps showing visits to each other, social media printouts (Instagram, Facebook), notarized support letters from friends/family, etc.
- You will both need to write and notarize letters describing how, when, and where you met. The letter must also state an intention to marry within 90 days of you immigrating to the U.S. The letter can be written in English or in your native language
- One passport-style photo of your partner, and one of you (2 inches x 2 inches)
- The current USCIS filing fee is \$535, payable with a check or money order paid to "U.S. Department of Homeland Security", or with a credit card using form G-1450

Send your completed application and supporting documents to the filing location listed on the USCIS website: <https://www.uscis.gov/i-129f>.

G-1145, e-notification of application / petition acceptance (optional but recommended)

The G-1145 form notifies USCIS that you would like them to advise you by text and/or email when there are updates on your case, like when they have received your application. Although optional, it's always a good idea to include a G-1145 with your immigration applications.

Name changes

If you have ever used a different name, you will need to include documents showing your name change. For example, if you were married previously and at the time used your ex-partner's last name, then you should include a copy of the marriage certificate from that relationship.

Children



If you have children under the age of 21, they can join you in the U.S. Your children must not be married. When you immigrate to the U.S. with your children, they will also be able to apply for their own green cards.

The important thing to note for now is that you should include your children on your I-129f fiancé petition. When you reach step 2 of the fiancé visa process, your children will be listed as part of your case.

Translations

You will need to include English-language translations of any foreign-language document that you submit, such as your birth certificate. You should include the English translation on top, followed by the translator's certification, followed by the original-language document.

Even if you speak fluent English, you should not do the translations yourself. Instead, use a company like Rush Translate or fiverr.com (choose someone with a high rating).

See Appendix A for a sample translator's certification.

Originals or copies of your documents?

When submitting your application, you should include copies of your documents, not originals.

When USCIS receives and approves your application

When USCIS receives your application, they will send your fiancé an I-797 receipt notice. The receipt notice will contain your case number. You can check your case status online at: <https://egov.uscis.gov/casestatus/mycasestatus.do?appReceiptNum=EAC1920351306>

Your fiancé can also receive case updates by creating a My USCIS online account: <https://my.uscis.gov/>



USCIS will send you the receipt notice within a month or two after receiving an application. Your fiancé should send the application by certified mail, which means that you will receive a tracking number to confirm that USCIS receives your application.

Sometimes USCIS rejects applications. If this happens, USCIS will return your complete case file to your fiancé with an explanation of why they didn't accept your application. You will need to review their explanation and try to rectify the situation, and then send the application a second time.

Once USCIS approves your application, they will send your fiancé an approval notice and a welcome letter from the National Visa Center (NVC). The welcome letter will contain two numbers that will be important for step 2: your NVC case number, and your invoice ID number.

Step 2: Consular processing (fiancé visa interview at a U.S. embassy / consulate abroad)

Working with the National Visa Center

After USCIS approves your I-129f fiancé petition, you will need to complete step 2 by logging into the NVC (Department of State) website at <http://ceac.state.gov>. Use your NVC case number and invoice ID number to log in. You can find this information in the welcome letter that your fiancé will receive from the NVC.

The NVC website will prompt you to complete or submit various online forms and documents, as detailed below.

Form DS-160, nonimmigrant (temporary) visa application

Among other things, form DS-160 will ask about your immigration history in the U.S., as well as your address and employment history. In addition to completing the DS-160 form, you will need to pay the DS-160 fee of \$265 via a U.S. debit card or savings/checking account.

Form I-134, affidavit of support (financial sponsorship form)



Your fiancé may need to complete and sign form I-134, the affidavit of support. The affidavit of support is used to show that your fiancé will financially support you in the U.S.¹ You should upload your fiancé's tax return transcripts, which can be ordered online at <http://www.irs.gov/individuals/get-transcript>.

Uploading supporting documents to the NVC

You will be required to upload important documents, such as:

- Form I-129 fiancé petition approval notice from USCIS (form I-797)
- Documentation showing a “bona fide” (authentic relationship) with your partner, even if you already submitted these documents in step 1
- Your birth certificate
- Your passport biographic page
- Divorce certificates from previous marriages (both your fiancé and you)
- Your police certificate
- Two passport-style photos of you (2 inches x 2 inches)

Check the Department of State visa reciprocity website to look up specific document requirements: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html/>

When uploading documents to the NVC, be sure to make clean, color scans using a professional scanner. Don't take photos with your phone! Be sure to capture every word and area of the document.

Working with the NVC is usually a frustrating, time-consuming process. Even if you do everything perfectly, sometimes the NVC will reject your submission and you will need to submit the documents a second time.

Medical exam

¹ Some U.S. embassies and consulates do not require the I-134, but some do. It will depend on the policy of your local U.S. embassy.



After your fiancé visa is scheduled at your local U.S. embassy / consulate, you will also need to have a medical exam done by a doctor authorized by the Department of State. Check your embassy's website to find a list of authorized doctors.

Your doctor will give you the completed medical exam in a sealed envelope. Don't open the envelope! Instead, ask for a copy of the completed medical exam before your doctor seals the envelope. You should review the copy to ensure that everything was filled out correctly.

Most applicants will pass their medical exam easily, but note that the Department of State has certain vaccination requirements. Since October 1, 2021, DoS requires all green card applicants to have received the Covid-19 vaccination, with limited exceptions. If you are opposed to vaccines, you may be able to waive the vaccine requirement using form I-601, which has a \$715 fee.

Children

After you included your children under the age of 21 on your fiancé petition in step 1, they should now appear on the NVC website as part of your case. You will need to complete much of the same process for them that you have done for yourself in step 2, like uploading their birth certificates, passports, etc.

Fiancé interview at the U.S. embassy / consulate

After uploading your supporting documents to the NVC website, the U.S. embassy / consulate will schedule your fiancé visa interview. Your fiancé does not need to attend, and in fact may not be allowed to.

You should bring the original documents of everything that you uploaded to the NVC website. Generally, the fiancé visa interview is a formality. As long as you qualify, your visa will likely be approved.

Picking up your passport and K-1 fiancé visa at the U.S. embassy / consulate



When your visa is approved, you will receive guidance on where to submit your passport. The embassy will need to produce and place the K-1 fiancé visa in your passport, which usually takes a few days. They will ask you to come in either to the U.S. embassy / consulate directly to pick up your passport, or to a local courier office.

Immigrating to the U.S.

Congratulations! You have a fiancé visa. You should now make plans to immigrate to the U.S. to join your fiancé.

Note that even after completing steps 1 and 2, you still do not have a green card or U.S. citizenship. You will need to complete step 3 before obtaining your green card. This is why many people don't like the fiancé visa process; it's time-consuming and complicated.

Step 3: Adjustment of status in the U.S. (green card application)

Decide whether to marry your U.S. citizen fiancé within 90 days of immigrating to the U.S.

Now that you're in the U.S. with a fiancé visa, you have up to 90 days to marry your fiancé. There is no great rush, however, because even if you wait until after 90 days have passed to get married, you will still be able to apply for a green card.²

The main benefit of the fiancé visa is that you can take your time to consider whether you will be happy in the U.S. with your fiancé. Moving to another country and starting a new life with your partner is one of the most important decisions you will ever make. If you have never lived together as a couple, you will need time to become accustomed to one another. So, don't rush your decision. If your partner really supports you, they will be willing to wait.

² You can do this by following the adjustment of status guidance found in Chapter 1, which means including forms I-130 and I-130a in addition to the other forms and documents listed here. If you marry within 90 days, however, forms I-130 and I-130a are not required.



If things don't work out with your fiancé by the end of the 90 days, you can just go home without getting married. You will have 30 days after the end of this 90-day period (so, 120 days) to leave the U.S. without incurring any penalties.³

If you wait until after 90 days have passed to get married, you can then file your adjustment of status application at any time, even if you marry several months or years later. Marriage with a U.S. citizen overrides any penalties that accrue after overstaying your visa. For example, many people are able to adjust status to a green card holder after overstaying their tourist visa for several years, if they eventually marry an American citizen.

Applying for adjustment of status – required forms and documents

Assuming that you marry within 90 days of immigrating to the U.S., you will need to file forms I-485 and I-864 with your adjustment of status application. Optional forms are the G-1145, I-765, and I-131.

Let's explore each of these forms in detail.

I-485, application for permanent residence/adjustment of status

Form I-485 is your application for a green card (also called permanent residence or lawful permanent residence). You will need to provide information regarding your work and address history, your parents and children, your previous marriages, and nearly 100 yes or no questions that dig deep into your immigration history.

You will need to include the following documents with form I-485:

- Your I-129f fiancé petition approval notice from USCIS
- Your birth certificate
- Your passport biographic page
- Your I-94 entry document or entry stamp in your passport from when you immigrated to the U.S. with a K-1 fiancé visa
- Your K-1 fiancé visa
- Your marriage certificate, dated within 90 days of immigrating to the U.S.

³ After 120 days, you will start to accrue what's called "unlawful presence". If you accrue more than six months of unlawful presence and then leave the U.S., you may not be allowed to return to the U.S. for at least three years.



- If you previously used a different visa or had a different immigration status, then you should include documentation showing this, for example USCIS approval notices, work authorization cards, visas, I-20's, DS-2019's, etc.
- Documentation showing a "bona fide" (authentic) relationship with your partner since immigrating to the U.S.
- Two passport-style photos (2" x 2")
- The USCIS filing fee of \$1,225. You can pay by check or money order (payable to "U.S. Department of Homeland Security"), or by credit card using form G-1450. Note that if paying by money order, you'll need to purchase two separate money orders since the maximum allowable money order amount is \$1,000. So, the first money order should be for \$1,000, and the second should be for \$225
- Although optional, it's always a good idea to include documents that show your partner's and your accomplishments, like a university degree or transcript

I-765, application for a work authorization card (optional but recommended)

The I-765 work authorization application is optional, but it's a good idea to include this with your application since there is no extra fee. When USCIS approves your I-765 form, they will send you a work authorization card that allows you to work in the U.S. The Social Security Administration will also send you a social security card, if you don't already have one.

You should include two passport-style photos (2" x 2") with your I-765 form.

I-131, application for advance parole (travel permit) (optional)

Like the I-765 work authorization application, the I-131 form is optional. The I-131 form is the application for an "advance parole" document (travel permit).

When applying for adjustment of status in the U.S., you must wait until your advance parole document arrives before you are allowed to travel abroad. (There is a limited exception for H-1b and L-1 visa holders.) When you have your advance parole document, you can then travel home (or wherever) to visit your friends and family, or simply to explore somewhere new.

After traveling abroad, you can then return safely to the U.S. with your advance parole document, while awaiting USCIS to schedule your green card interview.



I-864, affidavit of support (financial sponsorship form)

The I-864 is the “affidavit of support” form, which your spouse must fill out. Your spouse is agreeing to be your financial sponsor, and to be financially responsible if you end up as a “public charge” to the U.S. government.

How much money does your partner need to make to be your financial sponsor? For a family of two (your spouse and you, with no children or dependents), USCIS requires that your spouse make about \$23,000/year or more. If you have children or dependents, that amount will increase.

You can check the exact income requirements online:

<https://www.uscis.gov/i-864p>

Your spouse will need to include their tax returns or tax return transcripts for the most recent year. Sending tax return transcripts instead of tax returns is generally better because it involves less paperwork (tax return transcripts might be only five or six pages, while tax returns can be 100 pages or more).

You can order tax transcripts online by making an account with the Internal Revenue Service (IRS):

<https://www.irs.gov/individuals/get-transcript>

Your spouse should also include more recent proof of their income, such as the past three months of paystubs, a letter from Human Resources confirming their salary, or a letter from their accountant noting their recent income.

If your spouse’s income is not high enough, you can ask a friend or family member for help by joining your application as a joint sponsor. A joint sponsor can be anyone who is a U.S. citizen or green card holder, who lives in the U.S. They will need to fill out their own I-864 form, in addition to your spouse’s I-864.

Your joint sponsor will also need to include proof that they’re a U.S. citizen (U.S. passport biographic page, naturalization certificate, birth certificate if they were born in the U.S., etc.) or



green card holder, their taxes for the most recent year, plus proof of recent income like their paystubs, etc.

In some situations, you may need to use form I-864w instead of form I-864, for instance if your partner passed away and you are applying as a widow, or if you are applying based on domestic violence.

Can your sponsor use assets, like owning a house, to meet the I-864 affidavit of support requirement? Yes, but USCIS generally doesn't like applications based on assets, and will sometimes deny an affidavit of support that is based on assets rather than ongoing income. If possible, it's best to show income rather than assets, even if that means spending time to find someone with a higher income to be your joint sponsor.

G-1145, e-notification of application / petition acceptance (optional but recommended)

The G-1145 form notifies USCIS that you would like them to advise you by text and/or email when they take action on your case, like when they have received your application. Although optional, it's always a good idea to include a G-1145 with your immigration applications.

Name changes

If you have ever used a different name, then you will need to include documents showing your name change. For example, if you were married previously and at the time used your ex-partner's last name, then you should include a copy of the marriage certificate from that relationship.

Medical exam

Normally, green card applicants are required to include a medical exam with their application. However, you likely already completed a medical exam back home, so you will not need to include another exam as long as you apply for a green card within one year of having your last medical exam done abroad. There are some limited exceptions if your medical exam back home revealed certain serious medical conditions. You will need to include your DS-3025 vaccination



record with your adjustment of status application. The DS-3025 should be part of the medical exam that you completed abroad.

If you are concerned about USCIS processing times, you always have the option of just having a second medical exam done in the U.S. This sometimes helps speed up your adjustment of status application, since USCIS would not have to wait for the U.S. embassy / consulate back home to forward them your first medical exam. If you would like to proceed this way, you can find a list of USCIS-approved doctors here:

<https://www.uscis.gov/tools/find-a-civil-surgeon>

If you choose to have another medical exam done in the U.S., your doctor will give you the completed medical exam in a sealed envelope. Don't open the envelope! Instead, ask for a copy of the completed medical exam before your doctor seals the envelope. You should review the exam copy to ensure that everything was filled out correctly.

Most green card applicants will pass their medical exam easily, but note that USCIS has certain vaccination requirements. Since October 1, 2021, USCIS requires all green card applicants to have received the Covid-19 vaccination, with limited exceptions. If you are opposed to vaccines, then you may be able to waive the vaccine requirement using form I-601, which has a \$715 fee.

Currently, I-693 medical exams are valid for two years. If you think that USCIS might keep you waiting more than two years before approving your green card, then you can wait until your green card interview is scheduled before having your medical exam done. When you receive your green card appointment notice from USCIS, you can have the medical exam done then, and bring it to your interview so that it doesn't expire before your application is adjudicated.

Translations

You will need to include English-language translations of any foreign-language document that you submit, such as your birth certificate. You should include the English translation on top, followed by the translator's certification, followed by the original-language document.

Even if you speak fluent English, you should not do the translations yourself. Instead, use a company like Rush Translate or fiverr.com (choose someone with a high rating).



See Appendix A for a sample translator's certification.

Originals or copies of your documents?

When submitting your application, you should include copies of your documents, not originals. When you attend your green card interview, you should bring originals of your civil documents like birth certificates, passports, marriage certificates, etc. You should also bring a copy of the forms and documents that you submitted to USCIS, in case you need to cross-reference something that the USCIS officer brings up during your interview.

When can I start working? When can I travel internationally?

When applying for adjustment of status, you can optionally include forms I-765 and I-131, which will give you a work authorization card and an advance parole document (travel permit). You will receive these documents in the mail, before USCIS schedules your interview. Currently, USCIS is taking up to a year to process these documents, and you may not be legally allowed to work or travel until then.

While you may not be authorized to work until you receive your work card in the mail, many people will work regardless if they can find an employer that will hire them. If you are applying for adjustment of status based on marriage with an American citizen, working without authorization generally will not negatively affect your green card application. Many people work off the books before receiving their work cards, and they are nonetheless able to adjust status to green card holders.

You should not leave the U.S. until you receive your advance parole document. (There is a limited exception for H-1b and L-1 visa holders.)

When USCIS receives your application

When USCIS receives your application, they will send you an I-797 receipt notice. The receipt notice will contain your case number. You can check your case status online at:

<https://egov.uscis.gov/casestatus/mycasestatus.do?appReceiptNum=EAC1920351306>



You can also receive case updates by creating a My USCIS online account:

<https://my.uscis.gov/>

USCIS will send you the receipt notice within a month or two after receiving your application. You should send your application by certified mail, which means that you will receive a tracking number to confirm that USCIS receives your application.

Sometimes USCIS rejects applications. If this happens, USCIS will return your complete case file to you with an explanation of why they didn't accept your application. You will need to review their explanation and try to rectify the situation, and then send the application a second time.

Biometrics (fingerprints) appointment

About a month or two after receiving your green card application, USCIS may send you another notice asking you to come in to have your biometrics (fingerprints) taken. You should ensure that you show up for this appointment.

Sometimes USCIS will waive the biometrics requirement if they already have your fingerprints on file from a previous application. If so, USCIS will send you a notice stating that the biometrics requirement has been waived.

Interview / interview waiver

Most marriage green card applicants will need to eventually show up at their local USCIS office for an interview. Both your U.S. citizen spouse and you must attend together. The USCIS officer will call your name and you will be required to answer the officer's questions about your relationship and previous immigration history.

The purpose of the interview is to confirm that your relationship is bona fide (authentic) and that you qualify for a green card. As long as you qualify and you prepare beforehand, the interview is usually just a formality.



Recently USCIS has been waiving interviews for some applicants. This is great news, and you should try to ensure that you submit a well-documented green card application, so that USCIS can approve it without requiring an interview. Include lots of good documentation of your relationship, and ensure that you send every document on the checklist in Appendix D.

What happens at your USCIS interview?

A lot can happen when in an interview with the federal government, but keep in mind the following:

- You can go with a lawyer, or without
- Arrive at the USCIS office with plenty of time, at least 30 minutes before your scheduled appointment time
- Dress nicely in clean, presentable clothing (professional attire like a suit is not required)
- Bring your USCIS interview notice and photo ID like a passport. Bring originals of all your civil documents (birth certificate, etc.) plus copies of everything else that you included with your application, plus copies of the immigration forms that you sent to USCIS
- Bring updated supporting documents since you submitted your application, e.g. more photos and joint bank account statements/joint tax returns since you filed the application
- Check in at the window at USCIS
- If the USCIS officer hasn't called you within one hour of your scheduled start time, check with the window staff to confirm that you should still be waiting
- Eventually, the USCIS officer will call your name, so you will need to keep your ears tuned over the noise of the waiting room. You will follow the officer to their office for the interview
- Interviews usually last 20-30 minutes. The USCIS officer will go over your answers on the forms that you filed to confirm your eligibility. See Appendix (?) for sample marriage interview questions
- When the USCIS officer asks you questions, be direct and to the point. Don't say anything more than you need to. If you can answer the officer's questions with a simple yes or no, just say yes or no
- The USCIS officer can recommend your case for approval, but usually a supervisor needs to sign off before the formal approval notice
- If your case is approved, your green card should arrive in the mail within a couple weeks

After your case is approved – conditional green cards



If you receive your green card within two years of your marriage, USCIS will issue you a temporary, two-year green card. You will be required to file an I-751 application three months before your green card expires. This is called removing the conditions on your green card.

When you file the I-751, you will need to show that you're still with your U.S. citizen spouse. You should include good documentation to show that you still live together, like joint bank account statements, a joint lease, joint tax filings, birth certificates of your children together, etc.

If you have separated from your spouse since you received your green card, you can still file a successful I-751, for example if your ex is willing to sign the I-751. But even if they are not cooperating, there are other ways of being able to receive your permanent green card. Speak with an immigration lawyer.

Children

If you brought your children to the U.S. with you when you immigrated, they likely came with K-2 visas as part of your K-1 fiancé visa process. Your children should now be able to file their own adjustment of status applications via a similar process as your own application.

If you didn't bring your children with you when you immigrated, your U.S. citizen spouse can still sponsor them, as long as you marry while your children are under 18.⁴ You should speak with an immigration lawyer for more details.

Apply for citizenship

You will be able to apply for U.S. citizenship three years after receiving your green card, if you are still married and living with your U.S. citizen spouse.

Sponsor your family

⁴ If your U.S. citizen spouse is the biological parent (not stepparent) of your children, your spouse can sponsor your children at any time, regardless of whether and when you marry.



Congratulations! You are now an American citizen. Now you can sponsor the green cards of your family members: your parents, children, and siblings. If you have children, you should look into whether they can hold dual citizenship (both the U.S. and your home country).