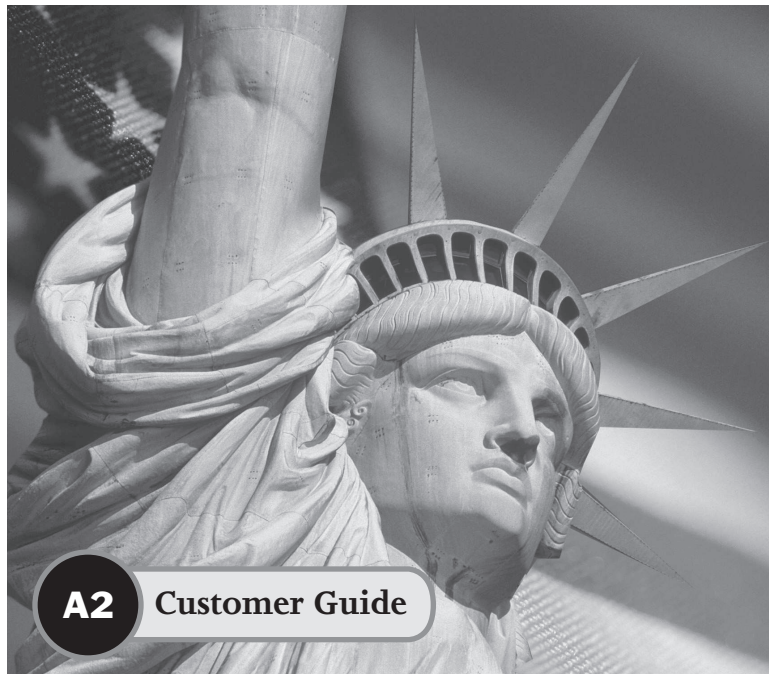




A2 Customer Guide

I Am a U.S. Citizen

How Do I... Help My Fiancé(e) Become a U.S. Permanent Resident?



U.S. Citizenship
and Immigration
Services

M-564 (August 2008)

A U.S. citizen who wishes to marry a non-U.S. citizen or permanent resident can help their fiancé(e) obtain permanent residence in different ways.

One way is to apply for a **fiancé(e) visa** if your fiancé(e) is overseas and you want to marry in the United States. This visa lets your fiancé(e) enter the United States for 90 days so that your marriage ceremony can take place in the United States. Once you marry, your spouse can apply for permanent residence and remain in the United States while we process the application. If you choose this method, file a **Form I-129F, Petition for Alien Fiancé(e)**. An I-129F is available in the "forms" section of our website at **www.uscis.gov**. If we approve the I-129F, we will send it to the National Visa Center, which will process and forward it to the U.S. Embassy or consulate nearest your fiancé(e)'s foreign place of residence. The embassy or consulate will then invite him or her to apply for the actual fiancé(e) visa.

Another way is to marry your fiancé(e) overseas. If you marry overseas, you can then file a **Form I-130, Petition for Alien Relative**, for your new spouse. For more information about the I-130 relative petition for a spouse, please see customer guide **A1, I Am a U.S. Citizen...How Do I...Help My Relative Become a Permanent Resident of the United States?**

If your fiancé(e) is already in the United States in another legal immigration status and you want to marry in the United States, please see customer guide A1 about filing an I-130 relative petition after you marry.

What are the basic eligibility requirements for a fiancé(e) petition?

You must be a U.S. citizen to file a fiancé(e) petition. In your petition, you must show that:

- You are a U.S. citizen;
- You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States;
- You are both free to marry; and
- You have met each other in person within 2 years before you file this petition. However, there are two exceptions which require a waiver:

- If the requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or
- If you prove that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

If I choose the fiancé(e) visa option, how does my fiancé(e) obtain permanent resident status?

Your fiancé(e) will need to enter the United States with a fiancé(e) visa. Once admitted to the United States with a K-1 visa, your fiancé(e) will be authorized to stay for 90 days during which you are permitted to marry. As soon as you marry, your spouse may apply for permanent residence by filing a **Form I-485, Application to Register Permanent Residence or to Adjust Status**, and mailing it to:

U.S. Citizenship and Immigration Services
P.O. Box 805887
Chicago, IL 60680-4120

My fiancé(e) has a child. May the child come to the United States with my fiancé(e)?

If the child is under 21 years old and is not married, a K-2 visa may be available to him or her. Be sure to include the name(s) of your fiancé(e)'s child(ren) on your I-129F fiancé(e) petition.

Can my fiancé(e) work in the United States while on a fiancé(e) visa?

After admission, your fiancé(e) may immediately apply for permission to work by filing **Form I-765, Application for Employment Authorization**, with the USCIS Service Center having jurisdiction over your place of residence. Any work authorization based on a nonimmigrant fiancé (e) visa would be valid for only 90 days after entry. However, your fiancé (e) would also be eligible to apply for an extended work authorization at the same time as he or she files for permanent residence. In this case, your fiancé(e) would file Form I-765 together with Form I-485 as soon as you marry.

What if my fiancé(e) uses a different kind of visa, or enters as a visitor without visa, to come here so we can marry?

There could be serious problems for your fiancé(e) if he or she enters the United States on another visa with the intention of marrying and residing here. Attempting to obtain a visa or entering the United States by saying one thing when you intend another may be considered immigration fraud, for which there are serious penalties. Those penalties include restricting a person's ability to obtain immigration benefits, including permanent residence, as well as a possible fine of up to \$10,000 and imprisonment of up to 5 years.

What if my fiancé(e) is already in the United States in another status and we decide to marry now?

If your fiancé(e) is in the United States and entered using a visa other than a fiancé(e) visa, and you marry, then you may file an I-130 relative petition for him or her as your spouse. He or she may be able to file Form I-485 along with your petition. For more information about the I-130 relative petition, please see customer guide A1.

If your fiancé(e) is in the United States and entered **unlawfully**, in most cases he or she will not be able to adjust status to that of a permanent resident while in the United States. In this situation, once you marry, you may file an I-130 relative petition for him or her as your spouse. If approved, he or she will have to pursue an immigrant visa at a U.S. Embassy or consulate overseas.

What if we are engaged but have not yet decided to marry?

The fiancé(e) visa is a temporary visa that simply permits your fiancé(e) to enter the United States so that the two of you can marry in the United States within the 90 days permitted from the date of entry. It is not a way for you to bring a person here so you can get to know one another, or spend more time together to decide whether or not you want to marry.

What happens if we do not marry within 90 days?

Fiancé(e) status automatically expires after 90 days. It cannot be extended. Your fiancé(e) should leave the United States at the end of the 90 days if you do not marry. If your fiancé(e) does not depart, he or she would violate U.S. immigration law. This could affect future eligibility for U.S. immigration benefits.

We want to make plans for our wedding. How long will this process take?

Each case is different. Please check our website for our current processing times for the I-129F petition. We process fiancé(e) petitions in the order we receive them. Once we complete our processing, your approved petition is then forwarded to the National Visa Center (NVC). The NVC will then send the petition to the U.S. Embassy or consulate, which will need time to process your fiancé(e) for a visa.

Key Information

Key USCIS forms referenced in this guide	Form #
Petition for Alien Relative	I-130
Petition for Alien Fiancé(e)	I-129F
Application to Register Permanent Residence or to Adjust Status	I-485
Application for Employment Authorization	I-765

USCIS

• On the Internet at: www.uscis.gov

For more copies of this guide, or information about other citizenship and immigration services, please visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library. If you cannot find what you need, please call Customer Service.

• Customer Service: 1-800-375-5283

• Hearing Impaired TDD Customer Service: 1-800-767-1833

Other U.S. Government Services—Click or Call

General Information	www.usagov.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575

Disclaimer: This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.