



CLIENT SERVICES & POLICY DIVISION Legal Assistance Office



Nonimmigrant visa is for the foreign-citizen spouse

Overview - What Is a K-3 Visa? The K-3 nonimmigrant visa is for the foreign-citizen spouse of a United States (U.S.) citizen. This visa category is intended to shorten the physical separation between the foreign-citizen and U.S. citizen spouses by having the option to obtain a nonimmigrant K-3 visa overseas and enter the United States to await approval of the immigrant visa petition. K-3 visa recipients subsequently apply to adjust status to a permanent resident (LPR) with the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) upon approval of the petition. Because the spouse of a U.S. citizen applying for a nonimmigrant K-3 visa must have an immigrant visa petition filed on his or her behalf by his or her U.S. citizen spouse and pending approval, a K-3 applicant must meet some of the requirements of an immigrant visa. It should be noted that under U.S. immigration law, a foreign citizen who marries a U.S. citizen outside the U.S. must apply for the K-3 visa in the country where the marriage took place. Eligible children of K-3 visa applicants receive K-4 visas. Both K-3 and the K-4 visas allow their recipients to stay in the United States while immigrant visa petitions are pending approval by USCIS.

What is a "Spouse"? A [spouse](#) is a legally wedded husband or wife. Same-sex spouses of U.S. citizens and Lawful Permanent Residents, along with their minor children, are now eligible for the same immigration benefits as opposite-sex spouses. Merely living together does not qualify a marriage for immigration. [Common-law](#) spouses may qualify as spouses for immigration purposes depending on the laws of the country where the common-law marriage occurs. In cases of polygamy, only the first spouse may qualify as a spouse for immigration.

The International Marriage Broker Regulation Act of 2005 (IMBRA). Detailed information about IMBRA requirements is contained in the For I-129F, Petition for Alien Fiancé, accessible at: <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/nonimmigrant-visa-for-a-spouse-k-3.html#ExternalPopup>.

The First Step: Filing the Petitions. You, the U.S. citizen sponsor, must first file [Form I-130](#), Petition for Alien Relative, with Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) office that serves the area where you live. The USCIS will send a Notice of Action (Form I-797) [receipt notice](#) to inform you that it has received the petition. See the USCIS website under [K-3/K-4 Nonimmigrant Visas](#) for more information. You must then file [Form I-129F](#), Petition for Alien Fiancé(e), for your foreign-citizen spouse and stepchildren. See [Direct Filing Addresses for Form I-129F, Petition for Alien Fiancé\(e\)](#) for information on where to file the petition for a K-3 visa. After USCIS approves the petitions, they will be sent to the [National Visa Center \(NVC\)](#) for processing.

The Second Step: Applying for a Visa. If the NVC receives the approved I-129F petition before it receives the I-130 petition, the NVC will process the I-129F petition. NVC will then send the I-129F petition to the U.S. Embassy or Consulate in the country where the marriage took place. If the marriage took place in the United States, the NVC will send the petition to the U.S. Embassy or Consulate that issues visas in the foreign-citizen spouse's country of nationality. If

the marriage took place in a country that does not have a U.S. Embassy, or the Embassy or Consulate does not issue visas, the NVC will send the petition to the U.S. Embassy or Consulate that normally processes visas for citizens of that country. For example, if the marriage took place in Iran where the U.S. does not have an Embassy or Consulate, the petition would be sent to Turkey. The U.S. Embassy or Consulate where you, the foreign-citizen spouse, will apply will provide you with specific instructions, including, where to go for the required medical examination. During your interview, ink-free, digital fingerprint scans will be taken. Some visa applications require further [administrative processing](#), which takes additional time after the visa applicant's interview by a Consular Officer.

Eligible children of K-3 visa applicants may apply for K-4 visas. Separate applications must be submitted for each K visa applicant, and each K visa applicant must pay the visa application fee.

Required Documentation. You, the foreign-citizen spouse, (and eligible children applying for K-4 visas) will be required to bring the following forms and documents to the visa interview:

- **Completed [Form DS-160](#), Online Nonimmigrant Visa Application.** You (and any eligible children applying for K-4 visas) must: (1) complete Form DS-160 and (2) print the DS-160 confirmation page to bring to your interview.
- **A passport valid for travel** to the United States and with a validity date at least six months beyond your intended period of stay in the United States (unless [country-specific agreements](#) provide exemptions).
- **Civil documents** - the original(s) (or certified copies) and photocopies of the following:
 - **Birth certificate**
 - **Marriage certificate** for the marriage to the U.S. citizen spouse
 - **Divorce or death certificate(s)** of any previous spouse(s)
 - **Police certificates** from your present country of residence and all countries where you have lived for 6 months or more since age 16. (Police certificates are also required for accompanying children age 16 or older.)
- **Medical examination** (vaccinations are optional, see below)
- **Evidence of financial support** ([Form I-134](#), Affidavit of Support may be requested)
- **Two (2) 2x2 photographs.** See the required photo format explained in [Photograph Requirements](#)
- **Evidence of relationship** with your U.S. citizen spouse
- **Payment of fees**, as explained below

Note: The consular officer may ask for additional information, such as wedding photographs and other proof that the marriage to your U.S. citizen spouse is genuine. Documents in foreign languages, other than the language of the country in which the application takes place, should be translated. Applicants should take to the visa interview all original civil documents, such as birth and marriage certificates as well as legible photocopies of the documents and translations. Original documents and translations will be returned.

Review Additional U.S. Embassy/Consulate-Specific Instructions. There may be additional instructions for collecting documentation needed for your K visa interview. Review U.S. Embassy/Consulate-Specific Instructions to learn what additional requirements there are, if any.

Medical Examination and Vaccination Requirements. In preparing for the interview, applicants will need to schedule and complete a medical examination. Before the issuance of an immigrant or K visa, every applicant, regardless of age, must undergo a medical examination

which **must be performed** by an authorized panel physician. You will be provided instructions regarding medical examinations from the U.S. Embassy or Consulate where you will apply for your visa, including information on authorized panel physicians. See [Medical Examination](#) for more information, including a list of panel physicians by country, and frequently asked questions. K visa applicants are encouraged to get the vaccinations required under U.S. immigration law for immigrant visa applicants. Although such vaccinations are not required for K visa issuance, they will be required when adjusting status to that of legal permanent resident. Applicants are therefore encouraged to fulfill these vaccination requirements at the time of the medical examination. See [Vaccination Requirements for IV Applicants](#) for the list of required vaccinations and additional information.

Proof of Financial Support and Affidavit of Support Forms. During the visa interview, applicants will be required to present evidence to the Consular Officer that they are not likely to become a public charge in the United States. You may present evidence that you are able to financially support yourself or that your U.S. citizen spouse is able to provide support. The Consular Officer may request that a [Form I-134](#), Affidavit of Support, be submitted by the U.S. citizen spouse. The U.S. citizen spouse will need to submit Form I-864 to USCIS with the application for adjustment of status to that of legal permanent resident.

Do the Same Income Requirements Apply to Form I-134 as Apply to Form I-864? No. The 125 percent of the federal poverty guideline minimum income requirement, the most recent year's tax return, and other requirements only apply when a Form I-864 is needed. Applicants using Form I-134 will need to show that their U.S. sponsor's income is 100 percent of the federal poverty guideline.

Fees. Fees are charged for the following services:

- Filing a Petition for Alien Relative, Form I-130
- Filing an Alien Fiancé(e) Petition, Form I-129F
- Nonimmigrant visa application processing fee, Form DS-160 (required for each K visa applicant)
- Medical examination (required for each K visa applicant; costs vary from post to post)
- Other costs may include translation and photocopying charges, fees for getting the documents required for the visa application (such as passport, police certificates, birth certificates, etc.), and travel expenses to the U.S. Embassy or Consulate for an interview. Costs vary from country to country and case to case.
- Filing Form I-485, Application to Register Permanent Residence or to Adjust Status

For current fees for Department of State, see <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html>. For current fees for USCIS, see [Check Filing Fees](#) on the USCIS website.

My Petition Expired – Can It Be Extended? The I-129F petition is valid for four months from the date of approval by USCIS. A Consular Officer can extend the validity of the petition if it expires before visa processing is completed.

Ineligibilities for Visas. Certain conditions and activities may make you, the applicant, ineligible for a visa. Examples of these ineligibilities include: drug trafficking; [overstaying](#) a previous visa; and submitting fraudulent documents. If you are ineligible for a visa, you will be informed by the Consular Officer and advised whether there is a [waiver](#) of the ineligibility and what the waiver process is. Learn more and see the complete list of [ineligibilities](#).

How Long Will It Take to Get My K Visa? For Form I-129F, Petition for Alien Fiancé(e), you can visit the USCIS website for the status of your [petition](#). Once your case has been received from NVC by the U.S. Embassy or Consulate that will process it, the length of time varies from case to case according to its circumstances. Some cases are delayed because applicants do not follow instructions carefully or supply incomplete information. (It is important to give us correct postal addresses and telephone numbers.) Some visa applications require further [administrative processing](#), which takes additional time after the visa applicant's interview by a Consular Officer.

After You Receive a K-3 Visa. If you are issued a K-3 visa, the consular officer will give you your passport containing the K-3 visa and a sealed packet containing the civil documents you provided, plus other documents prepared by the U.S. Embassy or Consulate. It is important that you **do not open the sealed packet**. Only the DHS immigration official should open this packet when you enter the United States. As the K-3 visa holder, you must enter the U.S. before or at the same time as any qualifying children holding K-4 visas.

Does My U.S. Citizen Spouse Need to File Separate Petitions for My Children? No. Your children may apply for K-4 visas based on the approval of Form I-129F, Petition for Alien Fiancé(e), that your U.S. citizen spouse filed on your behalf, but your U.S. citizen spouse must list the children on the petition. Separate visa applications must be submitted for each K-4 visa applicant, and each applicant must pay the K visa application fee. Your U.S. citizen spouse is also not required to file I-130 petitions on behalf of your children before he or she is able to list them on the I-129F petition. However, your U.S. citizen spouse must file separate I-130 immigrant visa petitions for your children before they can qualify for permanent residence or apply for adjustment of status. More information about adjustment of status is available on USCIS's website under [Green Card \(Permanent Residence\)](#).

Important Notice: Under U.S. immigration law, a [child](#) must be unmarried. In order to file for adjustment of status for your child, the child's stepchild relationship with your spouse must be created before your child reaches the age of 18.

Are My Children Required to Travel with Me? Your children may travel with (accompany) you to the United States or travel later (follow-to-join). Like you, your children must travel within the validity of their K-4 visas. Separate petitions are not required if the children accompany or follow to join you within one year from the date of issuance of your K-3 visa. If they want to travel later than one year from the date your K-3 visa was issued, they will not be eligible to receive K-4 visas, and separate immigrant visa petitions will be required. If your child has a valid K-4 visa and you have already adjusted status to that of permanent resident, your child may still travel on the K-4 visa.

Adjustment of Status, Working in the United States, and Traveling Outside of the United States. Information for K-3/K-4 visa holders about adjustment of status, permission to work in the United States, and travel outside of the United States is available on the USCIS website under [K-3/K-4 Nonimmigrant Visas](#).

If your inquiry concerns a visa case in progress at a U.S. Embassy or Consulate, you should first contact the U.S. Embassy or Consulate handling your case for status information. If you have further questions, please make an appointment with the legal assistance office by emailing us at: USARMY.WIESBADEN.USAREUR.MBX.OJA-WLC-LEGAL-ASSISTANCE-CALENDAR@MAIL.MIL.