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Marrying a Foreign National

Part I

Filing for a Spouse who Currently is Residing in the United States

To be a U.S. citizen marrying a citizen of another country (a foreign national) it can be a very exciting, yet complicated time when trying to bring that person to the United States. If the procedures are not followed correctly, you may be separated from your spouse for months, and possibly years. In general, it can take approximately six to twelve months for a foreign national to receive United States permanent residence (green card). This article will outline the procedure for a U.S. citizen filing for a green card for his or her spouse.

We will first begin with filing of a petition for a foreign national who is currently residing in the United States. Most importantly, this foreign national must have entered the country legally, with a valid visa (or visa exempt) and I-94 (little white entry card – or sometimes green entry card). If the foreign national has entered illegally, or without inspection, there is little that can be done without the foreign national leaving the country, and most likely being subject to the possible three or ten year bars to return to the United States.

If the foreign national entered legally, he or she will apply for a ‘one step’ adjustment of status. After marrying, the U.S. citizen spouse (Petitioner) will file Immigration Form I-130 along with the appropriate fee and accompanying documentation including evidence that will show that the couple has a bona fide marriage. This will be filed at the local office controlling the residence of the beneficiary. The United States Citizenship & Immigration Services (USCIS) prefers to see that the Petitioner and the Beneficiary (foreign national) show a co-mingling of assets, for example, a joint lease, mortgage, bank accounts, insurance policies, joint telephone or cable bills, etc. This evidence is not required, yet is highly preferred. If none of this evidence is attainable, the Petitioner can show photos of the couple together, as well as congratulation cards, affidavits from friends and family, and other secondary evidence. The more information you can provide Immigration in the beginning of the process, the easier the process will be.

The ‘second part’ of this ‘one-step’ adjustment of status is the foreign national’s application for permanent residence, which is filed on Form I-485. This part is filed simultaneously with the I-130. Before filing, the foreign national must complete a medical exam from a USCIS approved doctor, and also show that he or she entered the United States legally with inspection.

An Affidavit of Support on Form I-864 must be included in the application for adjustment of status. The Affidavit of Support is used to show that the foreign national will not become a ‘public charge’. Therefore, the U.S. citizen must show that he or she can ‘financially support his or her spouse’. In order to show ‘financial stability’, the Petitioner must provide USCIS with his or her tax records (IRS Form 1040) for the past three years, along with IRS forms, W-2 for all three years, and a letter from his or her

employer showing present employment. If the U.S. citizen Petitioner does not meet the financial standards set by the U.S. government, a 'co-sponsor' must be found. The Affidavit of Support is a binding contract between the U.S. government and the U.S. citizen that states if the foreign national is ever to receive public benefits from the U.S. government, the U.S. citizen will agree to reimburse the government for these benefits. The contract is binding for ten years, or until the foreign national becomes a U.S. citizen.

One advantage of this 'one step' filing is that the foreign national may also apply for an EAD (employment authorization document) on Form I-765. This will allow the foreign national to work, pending the adjudication of the I-485. Additionally, in some circumstances, the foreign national may also apply for an advance parole travel document on Form I-131. This will allow the foreign national to travel in and out of the country pending adjudication of their case. It must be noted that some foreign nationals who have overstayed their visa may not be eligible for advance parole, and if they leave the country, their application may be deemed abandoned, and they may be subject to the three or ten year bar.

Once all the forms, fees, and evidence are ready to file, the U.S. citizen Petitioner and Beneficiary can file at the National Benefits Center which is located in Missouri. It is important to note that these documents must be sent to a "lock box" which is located in Chicago, Illinois. The address is

USCIS
PO Box 805887
Chicago, Illinois 60680-4120

Once the forms are filed at the "lock box", the local USCIS will forward the application to the National Benefits Center in Missouri (USCIS is preparing to have direct filing in the future). The NBC will then issue receipts to the Petitioner and the Beneficiary. The receipts will instruct the foreign national beneficiary to contact USCIS for fingerprinting and biometrics. Usually, within 90 days of filing, work authorization will be issued, and the foreign national is now able to work. If the foreign national does not receive his authorization within those 90 days, he or she may then go in to a local USCIS office to receive an EAD card.

Then the wait begins. Upon filing, it can take at least 6 months to be called in to Immigration for a 'marriage' interview. At this interview, the U.S. citizen petitioner and foreign national beneficiary must appear at their local USCIS office to meet with an Immigration examiner. This meeting will be conducted under oath, and sometimes it will be video recorded.

The Immigration examiner tends to look for several things:

- To confirm the information on the forms or make changes, for example, change of address or phone number.
- That the foreign national entered the United States legally.
- That the foreign national is not a criminal or terrorist.

- That there is a bona fide marriage.
- That the U.S. citizen Petitioner can 'financially support' the foreign national.

The Immigration examiner will carefully examine the validity of the marriage. Examiners tend to ask questions that 'most married couples know about one another'. For example, they will ask, "How and when did you meet? Have you met each other's family? Who proposed to whom?" Sometimes the questions are more detailed.

The examiner can also separate the couple in different rooms, and question them separately. The examiner will ask questions like, "How many bathrooms are in your home or apartment? What color is the carpet or shower curtain? Is there a television in the bedroom?" Also, they may ask "Who woke up first this morning? Did you eat breakfast together? If so, what did you eat? What did you do last night?"

The examiners are not looking for 'golden answers', they are looking for the truth and consistency. It is O.K. if one spouse was working or out with friends the night before. They are just looking to see if there is a bona fide marriage and the couple intends to spend a life together. It is a crime to marry a foreign national in order to help him procure an Immigration benefit like a 'green card'. If the U.S. citizen spouse was paid to marry the foreign national, he or she can be fined or go to jail. The foreign national will be detained and removed from the United States.

At the end of the interview, if all security checks and evidence is present, the Immigration examiner will render a decision on the case. If approved, the foreign national will receive an I-551 stamp in his or her passport. This is valid proof of permanent residence. The foreign national can work and travel with the stamp, and eventually the actual 'green card' will come in the mail.

Sometimes the Immigration examiner will request 'additional evidence'. If there is something missing from the file, for example a birth certificate, translation, or divorce certificate, the examiner will request that these documents be provided. Additionally, the examiner may ask for more proof of a bona fide marriage. That is why it is so important to try to provide Immigration with this evidence before the interview. There are countless scenarios in which Immigration may request additional evidence. Therefore, it is extremely important to bring everything relevant and 'the kitchen sink' to the interview.

It must be noted, if the U.S. citizen and the foreign national have been married less than two years, residence will be 'conditional'. The conditional status is like permanent residence in all respects and benefits except it is subject to termination within two years. Termination usually comes as a result of divorce. Additionally, the permanent residence status could be revoked if the couple fails to apply to remove the condition by using Form I-751 during the 90 days prior to the two year anniversary of the foreign national obtaining conditional status. If the couple is divorced during this two year period, the foreign national will have the burden of showing that when he or she entered the

marriage, it was in good faith. If the foreign national is able to do so, he or she will receive permanent residence.

The process outlined above is a brief explanation of the marriage petition process. There could be many bumps along the way, but in the end you and your family can live the American Dream.

For filing for a foreign national who is currently outside the United States, please see Part II of *Marrying a Foreign National*.

Marrying a Foreign National

Part II

Filing for a Spouse who is Currently Outside the United States

If your foreign national spouse is located outside the United States, there are several options to bring your spouse to the United States. Unfortunately, none of these procedures are quick, and you can anticipate at least a six month wait to be reunited with your spouse. This article will outline the procedures for a U.S. citizen to bring his or her spouse to the United States, and hopefully avoid any undue delay.

Bringing a foreign national spouse to the United States is a two step process. Step I is filed in the United States, and Step II will be filed in the U.S. Consul in the foreign national's home country. In some cases, if the U.S. citizen is living (not visiting) abroad, Step I and II can be filed at the U.S. Consulate where he or she is living with his or her spouse. However, in most cases, Step I will be filed by the U.S. citizen at a Regional USCIS Service Center. If the U.S. citizen is living in Cincinnati, Ohio, the Nebraska Service Center has jurisdiction over the case. Check the USCIS web site if you have questions where to file your application.

The U.S. citizen must file USCIS Form I-130 along with the appropriate fee and accompanying documents including evidence that will show that the couple has a bona fide marriage. The United States Citizenship & Immigration Services (USCIS) prefers to see that the Petitioner and the Beneficiary (foreign national) show a co-mingling of assets, for example, a joint lease, mortgage, bank accounts, insurance policies, joint telephone or cable bills, etc. This evidence is not required, yet is highly preferred. If none of this evidence is attainable, the Petitioner can show photos of the couple together, as well as congratulation cards, affidavits from friends and family, and other secondary evidence. Since the foreign national is abroad, it is important to show that the U.S. citizen and his or her spouse are still in contact with one another. Therefore, any correspondence such as letters, emails, or telephone records should be submitted. Also, if the U.S. citizen has sent money via Western Union or another company, these receipts should be submitted as well. Last, if the U.S. citizen has taken a trip to visit his or her spouse, plane tickets, itineraries or receipts should be included in the application. The more information you can provide Immigration in the beginning of the process, the easier the process will be.

Once these documents are filed with Immigration, a receipt will be issued, and you will be able to check the case status on line. Unfortunately, the four Service Centers could take over a year to adjudicate the I-130 petition. To avoid any undue delays, it is important to submit a complete application to USCIS to avoid receiving a request for additional evidence.

When the I-130 is finally approved, the U.S. citizen must begin Step II. Step II involves 'Consular processing' and more forms will be filed with the U.S. Department of State's National Visa Center located in New Hampshire. The National Visa Center will contact the U.S. citizen to continue processing of the case. Usually the National Visa Center will ask the U.S. citizen or national to complete Form DS-230 Part I and II.

An Affidavit of Support on Form I-864 must be submitted for Consular processing. The Affidavit of Support is used to show that the foreign national will not become a 'public charge'. Therefore, the U.S. citizen must show that he or she can 'financially support his or her spouse'. In order to show 'financial stability', the Petitioner must provide the National Visa Center with his or her tax records (IRS Form 1040) for the past three years, including IRS Forms W-2 for all three years, and a letter from his or her employer showing present employment. If the U.S. citizen Petitioner does not meet the financial standards set by the U.S. government, a 'co-sponsor' must be found to help alleviate the financial burden. The Affidavit of Support is a binding contract between the U.S. government and the U.S. citizen that states if the foreign national is ever to receive public benefits from the U.S. government, the U.S. citizen will agree to reimburse the government for these benefits. The contract is binding for ten years, or until the foreign national becomes a U.S. citizen.

The U.S. citizen will be responsible for submitting this documentation in the United States. In the meantime, the foreign national in his or her home country will be required to obtain a valid passport that is good for at least six months from his or her country. Additionally, he or she will be required to undergo a medical exam at a doctor designated by the U.S. Consul. Further, he or she will need to obtain a police certificate from the authorities in every country he or she has lived for one year or more since reaching 16 years of age.

Once these tasks are completed, the U.S. Consul will notify the foreign national to appear at the Consul for an 'immigrant visa' interview. The U.S. citizen spouse does not need to attend this interview, but can if he or she wants. At the interview, the Consular Officer will closely scrutinize the visa application looking for several things:

- To confirm the information on the forms, or make changes, if necessary, for example, change of address or phone number.
- That the foreign national has not violated U.S. Immigration laws.
- That the foreign national is not a criminal or terrorist.
- That there is a bona fide marriage.
- That the U.S. citizen Petitioner can 'financially support' the foreign national.

The Consul is not looking for 'golden answers', he or she is looking for the truth and consistency. The Consul is just looking to see if there is a bona fide marriage and the couple intends to spend a life together. It is a crime to marry a foreign national in order to help him or her procure an Immigration benefit like a 'green card'. If the U.S. citizen spouse was paid to marry the foreign national, he or she can be fined or go to jail. The foreign national will be denied an immigrant visa.

At the end of the interview, the Consular Officer will render a decision on the case. If approved, the foreign national will receive a visa in his or her passport. Sometimes it can take a few weeks to obtain the actual visa, therefore no travel arrangements should be made until the foreign national actually receives his or her passport and visa back from the U.S. Consul. Upon receiving the immigrant visa, the foreign national may travel to the United States, and upon landing on U.S. soil, he or she will receive an I-551 stamp in his or her passport at the point of entry. This is valid proof of permanent residence. The foreign national can work and travel with the stamp, and eventually the actual 'green card' will come in the mail.

It must be noted, if the U.S. citizen and the foreign national have been married less than two years, residence will be 'conditional'. The conditional status is like permanent residence in all respects and benefits except it is subject to termination within two years. Termination usually comes as a result of divorce. Additionally, the status could be revoked if the couple fails to apply to remove the condition on Form I-751 during the 90 days prior to the two year anniversary of the foreign national obtaining conditional status. If the couple is divorced during this two year period, the foreign national will have the burden of showing that when he or she entered the marriage, it was in good faith. If the foreign national is able to do so, he or she will receive permanent residence.

Bringing a foreign national spouse to the United States is usually a long and tedious process. There are several 'non-immigrant' options that were intended to make the process faster. For more information on these options, see Part III of *Marrying a Foreign National*. During the Immigrant visa petition process, it is important to "cross all the T's and dot all the I's" in order to avoid delays. However, once you are reunited with your family, the pains of the Immigration process will be forgotten with the joys of living the American Dream.

Marrying a Foreign National

Part III

K-3 Visa for the Spouse of a U.S. Citizen Who is Currently Residing Outside the United States

In Part II of this article, we have discussed “Immigrant visa options” for bringing a spouse of a U.S. citizen to the United States. An immigrant visa is a visa that allows the alien to come to the United States with the intent of living in the United States permanently. In this article, we will discuss “non-immigrant” options for bringing a foreign national spouse and/or fiancé to the United States. A non-immigrant visa allows an alien to come to the United States for a “temporary” period of time.

To be a U.S. citizen marrying a citizen of another country (a foreign national) it can be a very exciting, yet complicated time when trying to bring that person to the United States. If the procedures are not followed correctly, you may be separated from your spouse for months, and possibly years. In general, it can take approximately six to twelve months for a foreign national to receive United States permanent residence (green card).

The United States Citizenship and Immigration Service (USCIS) has admitted to an enormous backlog of I-130 Petitions for Alien Relatives. Therefore, if a U.S. citizen filed a petition for his spouse who is living outside the United States, the couple and their family can be separated for almost two years while waiting for the I-130 to be adjudicated. Thus, the “LIFE Act” was passed by Congress and created a K-3 Visa for spouses of U.S. citizens who are waiting adjudication of an I-130. A K-3 Visa was designed to reunite families who have been separated because of the backlog of cases within the USCIS.

Bringing a foreign national spouse on a K-3 Visa to the United States is a three step process. Step I and II are filed in the United States, and Step III will be filed in the U.S. Consul in the foreign national’s home country. Step I will be filed by the U.S. citizen at a Regional USCIS Service Center. If the U.S. citizen is living in Cincinnati, Ohio, the Nebraska Service Center has jurisdiction over the case. Check the USCIS web site if you have questions where to file your application.

In Step I the U.S. citizen must file USCIS Form I-130 along with the appropriate fee and accompanying documents including evidence that will show that the couple has a bona fide marriage. The United States Citizenship & Immigration Services prefers to see that the Petitioner and the Beneficiary (foreign national) show a co-mingling of assets, for example, a joint lease, mortgage, bank accounts, insurance policies, joint telephone or cable bills, etc. This evidence is not required, yet is highly preferred. If none of this evidence is attainable, the Petitioner can show photos of the couple together, as well as congratulation cards, affidavits from friends and family, and other secondary evidence. Since the foreign national is abroad, it is important to show that the U.S. citizen and his

or her spouse are still in contact with one another. Therefore, any correspondence such as letters, emails, or telephone records should be submitted. Also, if the U.S. citizen has sent money via Western Union or another company, these receipts should be submitted as well. Last, if the U.S. citizen has taken a trip to visit his or her spouse, plane tickets, itineraries or receipts should be included in the application. The more information you can provide Immigration in the beginning of the process, the easier the process will be.

After the I-130 petition is filed at the local Service Center, the USCIS will issue a receipt on Form I-797. Once the U.S. citizen receives this receipt from USCIS, he or she may then file Step II at the Missouri Service Center via the Chicago Lock Box. The petition for the K-3 visa is filed on Form I-129F. This petition must be accompanied by proof that an I-130 has been received by the USCIS along with other documentation. The USCIS was supposed to adjudicate these petitions swiftly in order to realize the goal of reuniting families, however, it could take approximately six months for the I-129F petition to be approved.

When the I-129 is finally approved, the U.S. citizen must begin Step III. Step III involves 'Consular processing' and more forms will be filed with the U.S. Department of State's National Visa Center located in New Hampshire. The National Visa Center will contact the U.S. citizen to continue processing of the case. Usually the National Visa Center will ask the U.S. citizen or national to complete Form DS-230 Part I and II.

Also, an Affidavit of Support on Form I-864 must be submitted for Consular processing. The Affidavit of Support is used to show that the foreign national will not become a 'public charge'. Therefore, the U.S. citizen must show that he or she can 'financially support his or her spouse'. In order to show 'financial stability', the Petitioner must provide USCIS with his or her tax records (IRS Form 1040) for the past three years, including IRS Forms W-2 for all three years, and a letter from his or her employer showing present employment. If the U.S. citizen Petitioner does not meet the financial standards set by the U.S. government, a 'co-sponsor' must be found to help alleviate the financial burden. The Affidavit of Support is a binding contract between the U.S. government and the U.S. citizen that states if the foreign national is ever to receive public benefits from the U.S. government, the U.S. citizen will agree to reimburse the government for these benefits. The contract is binding for ten years, or until the foreign national becomes a U.S. citizen.

The U.S. citizen will be responsible for submitting this documentation in the United States. In the meantime, the foreign national in his or her home country will be required to obtain a valid passport that is good for at least six months from his or her country. Additionally, he or she will be required to undergo a medical exam at a doctor designated by the U.S. Consul. Further, he or she will need to obtain a police certificate from the authorities in every country he or she has lived for one year or more since reaching 16 years of age.

Once these tasks are completed, the U.S. Consul will notify the foreign national to appear at the Consul for an 'immigrant visa' interview. The U.S. citizen spouse does not need to attend this interview, but can if he or she wants. At the interview, the Consular Officer

will closely scrutinize the visa application. The Immigration examiner tends to look for several things:

- To confirm the information on the forms, or make changes, if necessary, for example, change of address or phone number.
- That the foreign national has not violated U.S. Immigration laws.
- That the foreign national is not a criminal or terrorist.
- That there is a bona fide marriage.
- That the U.S. citizen Petitioner can 'financially support' the foreign national.

The Consul is not looking for 'golden answers', he or she is looking for the truth and consistency. The Consul is just looking to see if there is a bona fide marriage and the couple intends to spend a life together. It is a crime to marry a foreign national in order to help him procure an Immigration benefit like a 'green card'. If the U.S. citizen spouse was paid to marry the foreign national, he or she can be fined or go to jail. The foreign national will be denied a K-3 Visa.

At the end of the interview, the Consular Officer will render a decision on the case. If approved, the foreign national will receive a visa in his or her passport. Sometimes it can take a few weeks to obtain the actual visa, therefore no travel arrangements should be made until the foreign national actually receives her passport and visa back from the U.S. Consul.

When the foreign national finally arrives in the United States, he or she can either wait for the lengthy adjudication of the I-130, which most likely is still pending at the Regional Service Center, or the U.S. citizen and his or her spouse can re-file the I-130 along with the I-485 Application for Permanent Residence at the local USCIS office.

Then the wait begins. Upon filing, it can take at least 6 months to be called in to Immigration for a 'marriage' interview. At this interview, the U.S. citizen petitioner and foreign national beneficiary must appear at their local USCIS office to meet with an Immigration examiner. This meeting will be conducted under oath, and sometimes it will be video recorded. The examiner will make sure that there is a bona fide marriage and that the U.S. citizen petitioner can financially support the alien.

The K-3 Visa was designed to reunite families while their immigration papers are pending. It can be used as a great option to quickly bring your family to the United States and live the American dream.

Part IV

Filing for a K-1 Visa for Fiancé of a U.S. Citizen Who is Currently Residing Outside the United States

In the previous articles we have discussed options for bringing the spouse of a U.S. citizen to the United States. In this section, we will discuss how to bring your fiancé to the United States.

In order to bring your fiancé to the United States, you must follow strict U.S. Citizenship and Immigration Services (USCIS) guidelines. Only U.S. citizens can petition for their fiancé. In order to file a fiancé petition, you must prove that you have met your fiancé in person, or demonstrate a valid reason why you are unable to arrange a meeting. A valid reason usually involves a disability or religious or cultural custom, not financial reasons. Additionally, once the K-1 fiancé visa is issued and your fiancé is admitted to the United States, you **MUST** marry your fiancé within 90 days, or your fiancé will be required to leave the country and have no chance to adjust or change his or her status.

In order to bring your fiancé to the United States, it is a two step process. The first step is filing the I-129F petition at the Service Center which has jurisdiction over the petitioning U.S. citizen. For example if you are living in Cincinnati, Ohio, the Nebraska Service Center has jurisdiction. Check the USCIS web site if you have questions where to file your application. Step II will be filed in the U.S. Consul in the foreign national's home country.

Step I is filed on Form I-129F and must include color photographs of both parties. The petition must be supported by proof that the parties:

- have met in person within two years before filing such as plane tickets and passport stamps showing visits
- intend to marry
- are legally able to marry, including proof of the legal termination of any prior marriages of either
- letters of parties with personal knowledge of the relationship
- photographs showing the parties together
- correspondence between the parties by letter or email
- telephone bills
- receipt for engagement ring
- documentation of wedding plans.

It is "O.K." if the petitioner does not have all of these items. However, you must prove that you have personally met your fiancé and you are both legally able to marry. Once USCIS receives the I-129F petition and accompanying documentation, USCIS will issue a receipt on Form I-797, and the petitioner can use this receipt number to check the case

status on line. If USCIS has no questions about the case, it will eventually approve the petition and send the petition to the appropriate Consul or post. This is the beginning of Step II.

Step II involves ‘Consular processing’ when more forms will be filed with the U.S. Department of State’s National Visa Center located in New Hampshire. The National Visa Center will contact the U.S. citizen to continue processing of the case. Usually the National Visa Center will require the beneficiary to complete Form DS-156 and obtain the medical examination.

An Affidavit of Support on Form I-864, or I-134, must be submitted for Consular processing. The Affidavit of Support is used to show that the foreign national will not become a ‘public charge’. Therefore, the U.S. citizen must show that he or she can ‘financially support his or her fiancé’. In order to show ‘financial stability’, the Petitioner must provide USCIS with his or her tax records (IRS Form 1040) for the past three years, including IRS Forms W-2 for all three years, and a letter from his or her employer showing present employment. If the U.S. citizen Petitioner does not meet the financial standards set by the U.S. government, a ‘co-sponsor’ must be found to help alleviate the financial burden. The Affidavit of Support is a binding contract between the U.S. government and the U.S. citizen that states if the foreign national is ever to receive public benefits from the U.S. government, the U.S. citizen will agree to reimburse the government for these benefits. The contract is binding for ten years, or until the foreign national becomes a U.S. citizen.

The U.S. citizen will be responsible for submitting this documentation in the United States. In the meantime, the foreign national in his or her home country will be required to obtain a valid passport that is good for at least six months from his or her country. Additionally, he or she will be required to undergo a medical exam at a doctor designated by the U.S. Consul. Further, he or she will need to obtain a police certificate from the authorities in every country he or she has lived for one year or more since reaching 16 years of age.

Once these tasks are completed, the U.S. Consul will notify the foreign national to appear at the Consul for an ‘fiancé visa’ interview. The U.S. citizen fiancé does not need to attend this interview, but can if he or she wants. At the interview, the Consular Officer will closely scrutinize the visa application. The Immigration examiner tends to look for several things:

- To confirm the information on the forms, or make changes, if necessary, for example, change of address or phone number.
- That the foreign national has violated U.S. Immigration laws.
- That the foreign national is not a criminal or terrorist.
- That there is a bona fide relationship.
- That the U.S. citizen Petitioner can ‘financially support’ the foreign national.

The Consul is not looking for ‘golden answers’, he or she is looking for the truth and consistency. The Consul is just looking to see if there is a bona fide relationship and the couple intends to spend a life together. It is a crime to marry a foreign national in order to help him procure an Immigration benefit like a ‘green card’.

At the end of the interview, the Consular Officer will render a decision on the case. If approved, the foreign national will receive a visa in his or her passport. Sometimes it can take a few weeks to obtain the actual visa, therefore no travel arrangements should be made until the foreign national actually receives her passport and visa back from the U.S. Consul. Upon receiving the fiancé visa, the foreign national may travel to the United States, and upon landing on U.S. soil, he or she will be admitted to the United States as a fiancé on the K-1 Visa.

Once the alien fiancé is admitted to the United States, the U.S. citizen must marry his or her fiancé within 90 days or your fiancé will be required to leave the country and have no chance to adjust or change his or her status. Employment may be authorized during this period by filing an additional forms with USCIS.

If the U.S. citizen marries his or her fiancé within 90 days, the U.S. citizen spouse may now file for their adjustment of status (green card). He or she will apply for adjustment of status to legal permanent residence in the United States.

He or she must accompany this form with proof that he or she married the U.S. citizen fiancé within the required 90 days. It is advisable that the U.S. citizen and his new husband or wife show proof of a bona fide relationship such as a co-mingling of assets, or other evidence of a valid relationship.

An Affidavit of Support on Form I-864 must be included in the application for adjustment of status. The Affidavit of Support is used to show that the foreign national will not become a ‘public charge’. Therefore, the U.S. citizen must show that he or she can ‘financially support his or her spouse’. In order to show ‘financial stability’, the Petitioner must provide USCIS with his or her tax records (IRS Form 1040) for the past three years, along with IRS forms, W-2 for all three years, and a letter from his or her employer showing present employment. If the U.S. citizen Petitioner does not meet the financial standards set by the U.S. government, a ‘co-sponsor’ must be found. The Affidavit of Support is a binding contract between the U.S. government and the U.S. citizen that states if the foreign national is ever to receive public benefits from the U.S. government, the U.S. citizen will agree to reimburse the government for these benefits. The contract is binding for ten years, or until the foreign national becomes a U.S. citizen. One advantage of this filing is that the foreign national may also apply for an EAD (employment authorization document) on Form I-765. This will allow the foreign national to work, pending the adjudication of the I-485.

Once all the forms, fees, and evidence are ready to file, the U.S. citizen Petitioner and alien spouse Beneficiary can file at the ‘local’ USCIS office. For example, if you are living in Cincinnati, Ohio, you can file at the USCIS office at 550 Main St., Cincinnati,

Ohio, 45202. Please check the USCIS web site if you have questions where to file your application.

Once the forms are filed, the local USCIS will forward the application to the National Benefits Center in Missouri (USCIS is preparing to have direct filing in the future). The NBC will then issue receipts to the Petitioner and the Beneficiary. The receipts will instruct the foreign national beneficiary to contact USCIS for fingerprinting and biometrics. Usually, within 90 days of filing, work authorization will be issued, and the foreign national is now able to work. If the foreign national does not receive his or her authorization within those 90 days, he or she may then go in to a local USCIS office to receive an interim EAD card.

Then the wait begins. Upon filing, it can take at least 6 months to be called in to Immigration for an adjustment interview. At this interview, the U.S. citizen petitioner and foreign national beneficiary must appear at their local USCIS office to meet with an Immigration examiner. This meeting will be conducted under oath, and sometimes it will be video recorded.

The USCIS examiner tends to look for several things:

- To confirm the information on the forms or make changes, for example, change of address or phone number.
- That the foreign national entered the United States legally.
- That the foreign national is not a criminal or terrorist.
- That there is a bona fide marriage.
- That the U.S. citizen Petitioner can 'financially support' the foreign national.

The USCIS examiner will carefully examine the validity of the marriage. Examiners tend to ask questions that 'most married couples know about one another'. For example, they will ask, "How and when did you meet? Have you met each other's family? Who proposed to whom?" Sometimes the questions are more detailed.

The examiner can also separate the couple in different rooms, and question them separately. The examiner will ask questions like, "How many bathrooms are in your home or apartment? What color is the carpet or shower curtain? Is there a television in the bedroom?" Also, they may ask "Who woke up first this morning? Did you eat breakfast together? If so, what did you eat? What did you do last night?"

The examiners are not looking for 'golden answers', they are looking for the truth and consistency. It is O.K. if one spouse was working or out with friends the night before. They are just looking to see if there is a bona fide marriage and the couple intends to spend a life together. It is a crime to marry a foreign national in order to help him procure an Immigration benefit like a 'green card'. If the U.S. citizen spouse was paid to marry the foreign national, he or she can be fined or go to jail. The foreign national will be detained and removed from the United States.

At the end of the interview, if all security checks and evidence is present, the Immigration examiner will render a decision on the case. If approved, the foreign national will receive an I-551 stamp in his or her passport. This is valid proof of permanent residence. The foreign national can work and travel with the stamp, and eventually the actual 'green card' will come in the mail.

Sometimes the USCIS examiner will request 'additional evidence'. If there is something missing from the file, for example a birth certificate, translation, or divorce certificate, the examiner will request that these documents be provided. Additionally, the examiner may ask for more proof of a bona fide marriage. That is why it is so important to try to provide Immigration with this evidence before the interview. There are countless scenarios in which Immigration may request additional evidence. Therefore, it is extremely important to bring everything relevant and 'the kitchen sink' to the interview.

It must be noted, if the U.S. citizen and the foreign national have been married less than two years, residence will be 'conditional'. The conditional status is like permanent residence in all respects and benefits except it is subject to termination within two years. Termination usually comes as a result of divorce. Additionally, the permanent residence status could be revoked if the couple fails to apply to remove the condition by using Form I-751 during the 90 days prior to the two year anniversary of the foreign national obtaining conditional status. If the couple is divorced during this two year period, the foreign national will have the burden of showing that when he or she entered the marriage, it was in good faith. If the foreign national is able to do so, he or she will receive permanent residence.

Bringing your fiancé to the United States can be an exciting time. However, you must be prepared and patient, but eventually you and your fiancé will be able to enjoy life together.