



# FORT SILL LEGAL ASSISTANCE



## K-3 VISA OVERSEAS SPOUSE

### How can I obtain a Visa for my Overseas Spouse?

A K-3 Visa allows a U.S. citizen who is married to an overseas spouse to petition U.S. Citizenship and Immigration Services (USCIS) to shorten the separation time so that he or she may enter the United States and await the availability of an immigrant visa.

After your spouse has received their immigrant visa, he or she can pursue an adjustment of status to become a lawful permanent resident (green card holder).

To be eligible, you **must** be able to show:

- You are a U.S. Citizen.
- You are legally married to your spouse now overseas.

Below are the three steps you will need to know for the K-3 Visa process.

### STEP ONE: How do I Apply?

You will need to download and fill out both Form I-130/I-130A and I-129F at <https://www.uscis.gov/i-130> and <https://www.uscis.gov/i-129f>.

These forms allow a non-resident foreign spouse of a U.S. citizen who is subject to an I-130 alien relative petition to come into the U.S. while their petition is pending.

### STEP TWO: Filing your Forms

- First, U.S. citizen files **both** I-130 & I-130A, Petition for Alien Relative

For USCIS Use Only		Fee Stamp	Action Stamp
A-Number A- [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]			
Initial Receipt Resubmitted			
Section of Law/Visa Category			
Relocated	<input type="checkbox"/> 201(b) Spouse - IR-1/CR-1 <input type="checkbox"/> 203(a)(1) Unm. S/D - F1-1 <input type="checkbox"/> 203(a)(2)(B) Unm. S/D - F2-4		
Received	<input type="checkbox"/> 201(b) Child - IR-2/CR-2 <input type="checkbox"/> 203(a)(2)(A) Spouse - F2-1 <input type="checkbox"/> 203(a)(3) Married S/D - F3-1		
Sent	<input type="checkbox"/> 201(b) Parent - IR-5 <input type="checkbox"/> 203(a)(2)(A) Child - F2-2 <input type="checkbox"/> 203(a)(4) Brother/Sister - F4-1		
Completed			
Approved	Petition was filed on (Priority Date mm/dd/yyyy):	<input type="checkbox"/> Field Investigation <input type="checkbox"/> Personal Interview <input type="checkbox"/> 204(a)(2)(A) Resolved	
Returned	PDR request granted/denied - New priority date (mm/dd/yyyy):	<input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. A-File Reviewed <input type="checkbox"/> I-485 Filed Simultaneously	
Remarks	<input type="checkbox"/> 203(g) Resolved <input type="checkbox"/> Ben. A-File Reviewed <input type="checkbox"/> 204(g) Resolved		
At which USCIS office (e.g., NBC, VSC, LOS, CRO) was Form I-130 adjudicated? _____			

- Second, after USCIS issues acknowledgment receipt, the U.S. citizen may file Form I-129F but **must** also file Form I-797C with Form I-129F.



**Petition for Alien Fiancé(e)**  
 Department of Homeland Security  
 U.S. Citizenship and Immigration Services

USCIS  
**Form I-129F**  
 OMB No. 1615-0001  
 Expires 07/31/2022

For USCIS Use Only		Fee Stamp		Action Block	
Case ID Number					
A-Number					
G-28 Number					
<input type="checkbox"/> The petition is approved for status under Section 101(a)(15)(K). It is valid for 4 months and expires on: _____		<b>Extraordinary Circumstances Waiver</b> <input type="checkbox"/> Approved Reason _____ <input type="checkbox"/> Denied Reason _____			
<b>General Waiver</b> <input type="checkbox"/> Approved Reason _____ <input type="checkbox"/> Denied Reason _____		<b>Mandatory Waiver</b> <input type="checkbox"/> Approved Reason _____ <input type="checkbox"/> Denied Reason _____		AMCON: _____ <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Document Check <input type="checkbox"/> Field Investigation	
Initial Receipt	Relocated	Completed	Remarks		
Resubmitted	Received	Approved			
	Sent	Returned	IMBRA disclosure to the beneficiary required? <input type="checkbox"/> Yes <input type="checkbox"/> No		

▶ **START HERE - Type or print in black ink.**

**STEP THREE: Getting Your Spouse into the U.S.**

- After your I-129 F is approved by USCIS, the National Visa Center will forward it to the U.S. embassy or consulate of your spouse’s country for issuance of the K-3 visa.

Please refer to this State Department website for the process at <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/nonimmigrant-visa-for-a-spouse-k-3.html>.

Upon entry into the U.S., your foreign spouse may apply to become a lawful permanent resident by using Form I-485.

If you have been married for more than two years, your spouse’s new lawful permanent residence status shall last for ten years; however, if your marriage is less than two years, your spouse will become a conditional resident, and their status shall only last for two years.

The following **will** be required:

1. Completed Forms I-130, I-130A, and I-229F (Complete all sections by typing or black ink, use N/A for not applicable, and do not forget to sign it.)
2. Copy of Form I-797C, Notice of Action, showing you have filed Form I-130, Petition for Alien Relative, on behalf of your spouse.
3. Copy of your Marriage Certificate (Please have this document translated into English if required.)
4. Photographs (One-color passport-style photograph of yourself and one of your spouse taken within 30 days of the filing of your petition with a white to white-off background.)
5. Application fees

You will have to pay \$535 when submitting Form I-130. You can do this by including a money order or personal check along with your I-229 Form. However, check <https://www.uscis.gov/i-129f> to ensure the correct

application fee. Make the check out to the U.S. Department of Homeland Security, not DHS.

Currently, you will not have to pay a fee for Form I-129. However, please check <https://www.uscis.gov/i-129f> to ensure no changes have occurred with this policy.

#### 6. Supporting documents

U.S. citizen's copy of their birth certificate, naturalization certificate, certificate of citizenship, and additional bona fides of the marriage, such as joint ownership of property, combination of financial resources, and birth certificates of children born to you and your spouse.

USCIS will NOT accept electronic CD-ROMS, DVDs, or Thumb Drives as supporting documents; however, they will accept photographs of these supporting materials.

#### **Where Do I File My Petition?**

File the forms at the addresses provided at <https://www.uscis.gov/i-130> and <https://www.uscis.gov/i-129f>.

#### **How Can I Get an Electronic Confirmation of My Application?**

You may also choose to receive an email or text message when USCIS accepts your form, complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the front of the petition. Find Form G-1145 at <https://www.uscis.gov/g-1145>.

#### **How do I remove my Spouse's Conditional Resident Status?**

A conditional resident is a spouse who has been given temporary lawful permanent resident status for two years; they have the same rights and responsibilities as any permanent resident, including the right to live and work inside of the U.S.

However, within 90 days of the expiration of the residency card, you and your spouse will need to file a Form I-751 jointly, Petition to Remove the Conditions of Residence.

- Do not file Form I-751 before the 90-day expiration period.
- Failure to timely file Form I-751 will result in loss of the spouse's lawful residency status and removal from the U.S.

#### **What if I need help with my application?**

Current members of the military and their families, as well as veterans, may call the USCIS toll-free military helpline at 877-CIS-4MIL (877-247-4645, TTY 800-877-8339) or by sending an email to [militaryinfo@uscis.dhs.gov](mailto:militaryinfo@uscis.dhs.gov). Representatives can answer your questions Monday through Friday from 0800 AM - 1600 PM CST, excluding federal holidays.

You can also find guidance on how to fill out your forms at <https://www.uscis.gov/forms/filing-guidance/form-filing-tips> and <https://www.uscis.gov/forms/filing-guidance>.

*Updated November 2022*

**This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.**