



## K-3/K-4 PROCEDURES INA §101(a)(15)(K)(III)

### Steps:

#### A. Stage 1: Service Center - Filing I-130/I-129F Petition

1. File Immediate Relative Petitioner (Form I-130) with Service Center;
2. Service Center will send a Receipt Notice for the I-130 within 2 weeks;
3. Once the I-130 Receipt Notice is received, File K-3 Spouse Petition (Form I-129F)
4. When Service Center issues approval of I-129F, the case will be forwarded by the Service Center to the National Visa Center (NVC);

#### B. Stage 2: NVC / Consulate - Applying for a Visa

5. I-129F & I-130 approval:
  - a. 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 abroad where the marriage took place or if got married in the U.S. then in the country where the foreign spouse resides;

OR

5. I-129F & I-130 approval:
    - b. **NOTE:** When both petitions have been approved by USCIS and sent to the NVC or when USCIS approves the I-130 before the I-129F, the availability of, as well as the need for, a nonimmigrant K-3 visa ends. If the NVC receives both an approved I-130 petition and an approved I-129F petition:
      - The nonimmigrant K-3 visa case will be administratively closed. If there are dependents (K-4) discuss with Law Firm potential issues.
      - The application process explained below will not be available to the foreign-citizen spouse and cannot be used.
      - The NVC will contact the U.S. citizen sponsor and foreign-citizen spouse, with instructions for processing the IR-1 (or CR-1) immigrant visa. Law Firm will assist with the Immigrant Visa processing.
- If proceeding with K-3:*
6. U.S. Embassy sends forms and checklist to Beneficiary (see below for requirements);
  7. Beneficiary sends completed form to U.S. Embassy;
  8. Beneficiary must have a medical examination prior to the consulate interview;
  9. U.S. Embassy schedules an interview date;
  10. Beneficiary has interview at U.S. embassy; be prepared to bring original documents.
  11. K-3 issued to Beneficiary, and Beneficiary travels to the U.S.

#### C. Stage 3: Beneficiary files for Adjustment of Status after entering the U.S.

12. Beneficiary can then adjust status (I-485) and file for employment authorization (EAD) ;
13. After getting EAD, Beneficiary can apply for social security number;
14. Interview for adjustment of status.



**Stage 1A: Form I-130, Petition for Alien Relative Checklist (Spouse)**

Forms	
<b>Form I-130</b> – Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa	
<b>Form G-28</b> – Notice of Appearance for the attorney or representative	
<b>Form I-130A</b> – Supplemental Information for Spouse Beneficiary	
Documents	
<p><b>Supporting documentation</b> to establish U.S. citizenship status or permanent resident status of <b>petitioner</b>.            Submit a copy of one of following:</p> <ul style="list-style-type: none"> <li>• Birth certificate (copy of front and back);</li> <li>• Naturalization certificate or certificate of citizenship issued by USCIS (formerly INS) (copy of front and back);</li> <li>• Form FS-240 Report of Birth Abroad of a Citizen of the U.S., issued by an American embassy or consulate;</li> <li>• Unexpired U.S. passport;</li> <li>• Original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport;</li> <li>• For permanent residents: copy of front and back of permanent resident card</li> </ul>	
<p><b>Supporting documentation</b> to establish relationship between petitioner and beneficiary (sponsor and alien)</p> <p><b>1. For spouses:</b></p> <ul style="list-style-type: none"> <li>- Copy of marriage certificate</li> <li>- If previously married, copies of documents showing that all prior marriages were legally terminated (i.e. divorce decree)</li> <li>- See other supporting documentation below.</li> </ul>	
<p><b>Three (3) full face, passport style color photographs of Petitioner and Beneficiary for I-130</b> (2 pictures of each are submitted, 1 copy of pictures is for office file)</p> <p><b>Two (2) full-face, passport style color photographs of Petitioner and Beneficiary for I-129F;</b></p> <p><b>Two (2) full-face, passport style color photographs for Beneficiary to be submitted to the Consulate. These should be kept with the with foreign national to go to Consulate interview.</b></p> <p><b>Six (6) full-face, passport style color photographs for Beneficiary will be used when applying for Adjustment of Status (I-485)</b></p>	
<p><b>Optional /additional supporting documentation</b> to establish spousal relationship:</p> <ol style="list-style-type: none"> <li>1. Photographs: wedding photos, family life, etc.</li> <li>2. Children – if any, birth certificates, photos</li> <li>3. Wedding invitations</li> <li>4. Proof of joint residence (i.e. mortgage statement, rental agreement, driver’s license, utility bills, other mail)</li> <li>5. Tax returns – jointly filed</li> <li>6. Proof of jointly held assets/debts (i.e. bank statements, credit card statements, stock, other investments, home, cars, loans)</li> <li>7. Beneficiary designations (i.e. life insurance, 401(k))</li> <li>8. Insurance (health, car, home)</li> <li>9. Joint travel documents (i.e. plane tix, hotel bills, etc.)</li> <li>10. Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship (Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit, his or her relationship to the petitioner of beneficiary, if any, and complete information and details explaining how the person acquired his or her knowledge of your marriage); or</li> <li>11. Any other documents that establish the relationship               <ol style="list-style-type: none"> <li>a. Cards, letters, emails, texts, other written communication</li> <li>b. Phone records</li> </ol> </li> </ol>	
<b>Filing Fees for Form I-130:</b>	<b>535.00</b>



**Stage 1: Form I-129F, K-3 Petition**

<b>Forms</b>	<b>Status</b>
Form I-129F – Petition for Alien Fiance / Spouse	
Form G-28 for Kalpana V. Peddibhotla	
<b>Documents</b>	
<b>Two (2) full-face, passport style color photographs of Petitioner and Beneficiary for I-129F;</b>	
<b>Proof of Petitioner’s Citizenship:</b> <ol style="list-style-type: none"> <li>1. Copy of the Birth certificate (front and back) if born in U.S.; or</li> <li>2. Copy of Certificate of Naturalization (front and back) if naturalized; or</li> <li>3. If born outside of the U.S. and you are a U.S. citizen through parents, provide: (a) original Certificate of Citizenship, or (b) Form FS-240</li> <li>4. Copy of all pages of unexpired U.S. passport issued with a validity period of at least 5 years.</li> <li>5. If none of the above, review Instructions to Form I-129F for other acceptable documents.</li> </ol>	<b>Obtain from I-130 documentation</b>
<b>Copy of Notice of Receipt of I-130</b>	
<b>Copy of Marriage Certificate</b> translated into English (need date of marriage & place of marriage).	<b>Obtain from I-130 documentation</b>
<b>Copy of final Divorce Decree(s) or Certificate(s) for Petitioner / Beneficiary.</b> If previous marriage terminated due to death of spouse then include a <b>Copy of Death Certificate(s)</b> documenting that fact.	<b>Obtain from I-130 documentation</b>
<b>Proof of Legal Name Change</b> if either Petitioner / Beneficiary is using a name other than that shown on the relevant documents. Must provide copies of the legal documents that made the change, such as a marriage certificate, adoption decree, or court order.	<b>Obtain from I-130 documentation</b>
<b>Prior convictions – International Marriage Broker Regulation Act</b> – copies of all court records and police records showing the charges and dispositions of any specified convictions. Review I-129F for relevant crimes.	
<b>Supporting Documents from I-130 Optional, but can attach to I-129F</b>	
<b>Fees</b>	
I-129F: No fee for K-3 status based on an immigrant petition (I-130) filed by the same U.S. citizen husband or wife.	No Fee

\* All documents must be translated into English with certification.



**Stage 2: NVC / Consulate - Applying for a K-3 Visa**

*(There may be Consulate specific requirements)*

<b>Forms</b>	<b>Status</b>
DS-260, Application for Immigrant Visa and Alien Registration	
Form I-134, Affidavit of Support	
<b>Documents from Foreign Spouse</b>	
Valid Passport with a validity date at least 6 months beyond the date of the interview at Consulate	
Birth Certificate	
Birth Certificates of any children	
Marriage Certificate (if any)	
Divorce Decree (if any)	
Death Certificate of Spouse (if any)	
Police Clearance Certificates <ul style="list-style-type: none"><li>• 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.)</li></ul>	
Medical Examination	
2 passport-style photos for Foreign Spouse	
Evidence of marital relationship (similar list to Form I-130) <ol style="list-style-type: none"><li>1. Bring pictures of wedding/family life in a photo album. It is best to bring pictures for which you already have copies.</li><li>2. If children, birth certificates, photos</li><li>3. Wedding invitations</li><li>4. Proof of joint residence (i.e. mortgage statement, rental agreement, driver's license, utility bills, other mail)</li><li>5. Tax returns – jointly filed</li><li>6. Proof of jointly held assets/debts (i.e. bank statements, credit card statements, stock, other investments, home, cars, loans)</li></ol>	<b>Provide new documents since the I-130 was filed</b>



<ol style="list-style-type: none"><li>7. Beneficiary designations (i.e. life insurance, 401(k))</li><li>8. Insurance (health, car, home)</li><li>9. Joint travel documents (i.e. plane tix, hotel bills, etc.)</li><li>10. Any other documents that establish the relationship<ol style="list-style-type: none"><li>a. Cards, letters, emails</li><li>b. Phone records</li></ol></li></ol>	
<p>I-134 Affidavit of Support form. Ensure it is notarized (by a US Notary Public), with all required supporting evidence. Begin collecting the required information ahead of time, as it can often take several weeks to collect it all</p> <ul style="list-style-type: none"><li>• Petitioner will need to provide at least a minimum of two to three most recent pay stubs;</li><li>• Signed letter from employer listing job title, start date, salary, and the status (full-time) of position.</li><li>• Banking information and other assets as required by the I-134</li></ul>	

**Documents for Petitioner/Firm to send to Beneficiary (foreign spouse) once the I-129F is approved**

<b>Documents and Forms</b>	<b>Status</b>
A copy of the entire I-129F and I-130 package previously filed and a copy of information sent in response to and Request for Evidence (RFE).	
Send all originals of the documentary proof that was submitted for the I-129F to foreign spouse for their interview at the embassy.	
Approval Notice for I-129F	