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## **Fiancee's Visa**

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The K-1 nonimmigrant visa is used when a U.S. citizen wants to marry his alien fiancée who lives outside the U.S. and he cannot travel to his fiancée's home country for the wedding ceremony. The visa will allow the fiancée (and her minor children) to enter the U.S. for 90 days.

While other non-immigrant visa applicants must show proof of their intention to leave the U.S. upon expiration of their visas, this visa is unique in that the applicant must express her intention to remain in the U.S. rather than return abroad.

To get a K-1 visa, a petition must be submitted by the U.S. citizen to an INS office showing the following:

Proof of U.S. citizenship of petitioner. A citizen by birth may submit a birth certificate, while one who acquired citizenship by naturalization may submit his Naturalization Certificate. An unexpired U.S. Passport is also acceptable.

Bona fide intention to marry within 90 days after arriving in the U.S. If available, copies of wedding announcements, catering contracts, or a letter from the pastor who will be officiating the wedding ceremony may be presented. These will show that a wedding is really being seriously planned and will definitely take place.

Both parties must be legally able and actually willing to get married. Aside from being of legal age to marry, both must also be free of any prior marriages. If either of the parties had been married before, s/he must present proof that the marriage ended. Documents accepted as proof include a divorce decree or death certificate of a former spouse.

Evidence that the parties have previously met in person within the past two years. This requirement was included to discourage "mail-order brides" and fake marriages which may be entered into by persons who have never met in order to obtain a green card. To prove such previous meetings, photographs or letters indicating that such previous meetings took place may be presented. However, this may be waived if the parties could show that they cannot comply due to extreme hardship, health reasons, financial burdens, or danger of travelling to a hostile foreign country. Likewise, extensive correspondence between the parties may also help convince the consular officer that the planned marriage is not a sham.

When the petition is approved, it is forwarded to the U.S. Embassy in her home country where the fiancée will apply for a K-1 Visa. When issued, and the alien enters the U.S., the parties are given 90 days to get married.

The K-1 Visa cannot be extended or changed to another visa. In the event the marriage does not take place and the visa expires, the applicant and any minor children who accompanied her will be required to depart. Failure to do so will result in their deportation.