

VISA INSTRUCTIONS FOR FIANCÉ (E) NONIMMIGRANT VISA APPLICATION

This office has received a petition entitling you to "K-1" (K-2 Children) nonimmigrant visa classification as an alien proceeding to the United States to marry an American citizen. To prepare for your interview appointment with a Consular Officer, please carefully read and follow the instructions below.

FIRST: Complete and (mail only) to this office **Form DS-230 Part I** - Immigrant Visa Application - **Biographic Data** along with a copy of your **passport** (1st biographic page only).

SECOND: Obtain the following documents in this checklist. Check off the box next to each document as you obtain it. Then, mail to us **only this checklist** along with completed and **signed "Applicant Statement."** **Do not** send the **original/copy** of documents to us at this time – **you will bring them on the day of your interview, along with photocopies.** The original or certified true copies of each document must be furnished for each applicant regardless of age. If you wish to have the originals of your documents returned, you must also submit one photocopy of each original document. All documents **not** in English must be accompanied by a certified English translation. **Once the checklist is received, you will be scheduled for a visa interview within 4 – 8 weeks.**

THIRD: Fill out but do NOT sign the following forms: (1) the Nonimmigrant Visa Application (Form DS-156 in duplicate) and (2) the Supplemental Nonimmigrant Visa Application (Form DS-157), which is required for each male applicant between 16 and 45 years of age. Also provide a single copy of the attached Nonimmigrant Fiancé(e) Visa Application (Form DS-156(K)). If children under the age of 21 are applying, two copies of the Form DS-156 and Form DS-157 (if male) for each child must be fully completed. Bring the forms on the day of your appointment.

() **PASSPORT:** A passport must be valid for travel to the United States and must have at least six months validity beyond the issuance date of the visa. Children may be included in a parent's passport if under the age of 12. Otherwise, children must have their own passport.

() **BIRTH CERTIFICATES:** A birth certificate of each person named in the application is required. Birth records must be presented for all unmarried children under age 21, even if they are not applying for a visa at this time. The certificate must state the date and place of birth and names of both parents.

() **UNOBTAINABLE BIRTH CERTIFICATES:** If an official birth certificate is not obtainable, present the best possible secondary evidence, such as baptismal certificate, hospital certificate, school records, and/or a notarized affidavit from your parents.

() **POLICE CERTIFICATE:** Each applicant aged 16 years and over is required to submit an original police certificate from the police authorities of each locality where the applicant has resided six months or more since attaining the age of sixteen. A police certificate must also be from the police authorities of any place where the applicant has been arrested for any reason, regardless of the length of residence. Police certificates from certain countries are considered unobtainable. The Consular section will advise you which countries this might apply. More information is available online at: <http://travel.state.gov/visa/reciprocity/index.html>

() **COURT AND PRISON RECORDS:** Persons convicted of a crime must obtain copies of their court record and prison records, if applicable, regardless if they may have benefited from an amnesty or pardon.

() **MILITARY RECORDS:** Applicants who have served in the military must obtain a complete record of their service and conduct. The record must show any criminal convictions before military tribunals. (See <http://travel.state.gov/visa/reciprocity/index.htm> to determine how to obtain military records.)

() **PHOTOGRAPHS:** Provide two (2) color photographs taken within the last six months. The photographs must measure 5 by 5 cm (2 by 2 inches) against a white or off-white background without borders, printed on normal photographic paper, and showing the applicant's face in a frontal position without any obstructions (no hat, sunglasses, scarves, etc.). For more information, visit: http://www.travel.state.gov/visa/visaphotoreq/visaphotoreq_5334.html

() **MARRIAGE CERTIFICATE AND DIVORCE CERTIFICATES:** An original, civil (not religious) marriage certificate is required. The certificate must show that it is an extract from official records and must bear the seal of the issuing authority. If previously married, provide original versions of your marriage certificate(s) and divorce decree(s) or spouse's death certificate to prove the dissolution of each prior marriage as applicable.

() **LETTER OF CONSENT:** If dependent children (under the age of 18) from a previous marriage are applying, provide a divorce decree stating that you have sole custody of the child(ren) or a letter of consent from the child(ren)'s biological parent.

() **EVIDENCE OF SUPPORT:** Provide evidence that you and your children, if any, are not likely to become public charges in the United States. The enclosed information sheet (OF-167) lists evidence which may be presented to meet this requirement of law. An original signed notarized Affidavit of Support (Form I-134) must be provided.

() **EVIDENCE OF RELATIONSHIP – VERY IMPORTANT:** You will be asked to submit proof of a valid fiancé (e) relationship with your petitioner. It is therefore useful to bring with you letters/ e-mails, phone bills, old and current photographs, or other evidence of your engagement.

() **FEE:** The application fee for a K-1 visa is US\$240.00, or the local currency equivalent, per applicant. Payments can be made at the Consular Section by cash or credit card. The fee is **NOT** refundable.

DS Forms may be downloaded from the following website:
http://travel.state.gov/visa/forms/forms_1342.html

1. Form DS-230 Part I and Part II - Biographic Data (One copy for each applicant)
2. Form DS-156 - Nonimmigrant Visa Application (**Two copies** for each applicant)
3. Form DS-156 (K) Nonimmigrant Fiance(e) Visa Application (One copy for one petition)
4. Form DS-157 - Supplemental Nonimmigrant Visa Application (Two copies for each applicant aged 16 to 45)
5. Form OF-167 - Public Charge Evidence (enclosed)
6. Form I-134 - Affidavit of Support <http://www.uscis.gov/portal/site/uscis>

MEDICAL EXAMINATION: Medical examination forms and our designated panel physician list will be given to you later along with your appointment letter. You are responsible for the cost of the examination. A medical examination is also required for each child who will accompany you. **Please remember: only after the checklist is received you will be scheduled for a visa interview.**

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STATEMENT

I have in my possession, and am prepared to present, all of the listed documents which apply to my case. I fully realize that no assurance can be given whether a fiancé(e) visa will be issued to me until after I am interviewed by a Consular Officer. At the time of my scheduled interview, I intend to apply: (Check appropriate box)

Alone

Together with the following children: (print names of each child who will accompany you)

Date: _____

Case Number (if available): _____

Signature (of applicant): _____

Print Name (of applicant): _____

Current Address: _____

Telephone: _____

Fax: _____

Email: _____

EVIDENCE WHICH MAY BE PRESENTED TO MEET THE PUBLIC CHARGE PROVISIONS OF THE LAW

GENERAL

The Immigration and Nationality Act requires an applicant for a visa to establish to the satisfaction of the consular officer at the time of application for a visa, and also to the satisfaction of the United States Immigration official at the time of application for admission to the United States, that he or she is not likely at any time to become a public charge.

An applicant for a fiancé(e) visa may generally satisfy the requirement of the law by the presentation of documentary evidence establishing that:

1. The applicant has, or will have, in the United States personal funds sufficient to provide support for the applicant and dependent family members, or sufficient to provide support until suitable employment is located.
2. The applicant has arranged employment in the United States that will provide an adequate income for the applicant and dependent family members;
3. Relatives or friends in the United States will assure the applicant's support; or
4. A combination of the above circumstances exists.

APPLICANT'S OWN FUNDS

An applicant who expects to be able to meet the public charge provisions of the law through personal financial resources may submit to the consular officer evidence of funds or income from one or more of the following sources:

1. Bank statement showing present balance of applicant's account, date account was opened, the number and amount of deposits and withdrawals during the past 12 months, and the average balance during the year. If there have been recent unusually large deposits, an explanation thereof should be given;
2. Proof of ownership of property or real estate, in the form of a title deed or the equivalent, and a letter from a lawyer, banker or responsible real estate agent showing its present valuation (any mortgages or loans against the property must be stated);
3. Letter or letters verifying ownership of stocks and bonds, with present market value or expected earning indicated;
4. Statement from insurance company showing policies held and present cash surrender value;
5. Proof of income from business investments or other sources.

If the financial resources are derived from a source outside the United States, a statement as to how the funds or income are to be transferred to the U.S. must be provided.

EMPLOYMENT

An applicant relying on an offer of prearranged employment to meet the public charge provisions of the law should have the prospective employer submit a notarized letter of employment on the letterhead stationery of the employing business. The letter should:

1. Contain a definite offer of employment;
2. Give a description of the job offered to the alien and an explanation of skills which qualify the alien for the position;
3. State the rate of compensation to be paid and, if pertinent, additional information detailing other benefits to be included in lieu of cash payment;
4. Specify the location, type, and duration (whether seasonal, temporary, or indefinite) of the employment offered; and

5. State whether the employment will be immediately available upon the applicant's arrival in the United States.

AFFIDAVIT OF SUPPORT

Persons in the United States who desire to furnish sponsorship for a visa applicant in the form of an Affidavit of Support should use Form I-134. Affidavit of Support is available from the US Citizenship and Immigration Services (USCIS). Sponsors may also elect to furnish a statement in the form of an affidavit sworn to before a notary public or other official competent to administer an oath, setting forth his or her willingness and financial ability to contribute to the applicant's support and reasons, in detail, for sponsoring the applicant.

The sponsor's affidavit should include:

1. Information regarding his or her annual income;
2. Where material, information regarding his or her other resources;
3. Obligations for the support of members of his or her own family and other persons, if any;
4. Other obligations and expenses;
5. Plans and arrangements made for the applicant's reception and support;
6. An expression of willingness to deposit a bond, if necessary, with the USCIS to guarantee that the applicant will not become a public charge in the United States; and
7. An acknowledgment that the sponsor is aware of his or her responsibilities under the Social Security Act, as amended, and the Food Stamp Act, as amended; that the affidavit will be binding upon the sponsor for three (3) years after entry of the names persons; and that the affidavit and supporting documentation may be made available to the public assistance agency. (The provisions of the above laws are contained in form DS-1858, Sponsor's Financial Responsibility Under the Social Security Act, and printed in Part III of the instructions for Form I-134.)

The sponsor should include in the affidavit a statement concerning his or her status in the United States. If the sponsor is an American citizen the affidavit should include a statement about how United States citizenship was acquired. If naturalized, the affidavit should indicate the date of naturalization, the name and location of the court, and the number of the sponsor's certificate of naturalization. If the sponsor is an alien who has been lawfully admitted into the United States for permanent residence, he or she should state in the affidavit the date and place of admission for permanent residence and the alien registration number which appears on his or her Alien Registration Receipt Card.

To substantiate the information regarding income and resources the sponsor should attach two or more of the following items to the affidavit:

1. Notarized copies of his or her latest federal income tax return;
2. A statement from his or her employer showing salary and the length and permanency of employment;
3. A statement from an officer of a bank regarding his or her account, the date the account was opened, and the present balance;
4. Any other evidence adequate to establish financial ability to carry out his or her undertaking toward the applicant for what might be an indefinite period of time.

If the sponsor is well established in business, he or she may submit a rating from a recognized business rating organization in lieu of the foregoing. If the sponsor is married, both husband and wife should sign the affidavit jointly. Affidavits of Support should be of recent date when presented to the consular officer. They are unacceptable if more than one year has elapsed from the date of execution. A sponsor may prefer to forward his or her affidavit of support

directly to the consular office where the visa application will be made, in which event the contents will not be divulged to the applicant.

Note: An applicant who expects to meet the public charge provisions of the law through the presentation of an Affidavit of Support is encouraged to forward this information sheet to his or her sponsor so as to assist the sponsor in preparing an affidavit.