



Fiancé(e) K1/2 Visa Instructions

This office has received from the US Citizenship and Immigration Services (USCIS) an approved I-129F petition awarding you "K-1" Fiancé(e) nonimmigrant classification. This approved petition allows you to apply for a visa to enter the United States to marry an American citizen and reside permanently. In Japan, the Fiancé(e) visa can only be applied at the U.S. Embassy Tokyo or the Consulate General Naha. To prepare for your visa application in Tokyo, please read and follow carefully the instruction below. If you prefer to apply for your visa in Naha, please contact US Consulate General, Naha for case transfer.

Step 1: DS-160 and Profile - Complete and submit the DS-160 Visa Application online <http://www.ustraveldocs.com/jp/jp-niv-ds160complete.asp>. Upon submission of the DS-160 online, print out the DS-160 confirmation page. **IMPORTANT:** Select 'Tokyo' as the processing post. Create your profile on website <http://www.ustraveldocs.com/jp/index.html> (Click "Create Account" to continue). Profile must be created for each applicant regardless of their age.

Step 2: Documents and Fee - Visit and follow the links under "Fiancé(e) visa" at <http://www.ustraveldocs.com/jp/jp-niv-visatypeinfo.asp>. There, you will find a list of all documents that will be required to submit at the time of your visa interview along with instructions and background information. **Please read this page carefully and click on all links to ensure that you have collected all the necessary forms. Your applications will be refused if you fail to bring all required documentation.** Checklist of required documents is available at <https://jp.usembassy.gov/visas/immigrant-visas/fiancee/fiancee-visa-checklist/>. Pay the application fee. <http://www.ustraveldocs.com/jp/jp-niv-paymentinfo.asp> Each K1/K2 applicant must pay the fee.

Step 3: Appointment - Once you have obtained all required documents (including the medical examination and all required police certificates), you may schedule a fiancé (e) visa interview appointment through the website at <http://cdn.ustraveldocs.com/jp/jp-niv-appointmentschedule.asp>. A visa interview is, regardless of age, required for all K visa applicants. We conduct interviews on Monday mornings, excluding U.S. and Japanese holidays. If Monday is a holiday, interviews for that week will be conducted on the following Tuesday morning. Changing appointments are restricted. If more than three times you reschedule your appointment, you will be required to pay another visa application fee. Please note that appointment slots in summer and winter holiday seasons are expected to be longer waits. Plan accordingly.

YOU ARE STRONGLY URGED TO PERSONALLY KEEP A DUPLICATE FILE COPY OF ALL DOCUMENTS SUBMITTED IN CONNECTION WITH YOUR VISA APPLICATION. THE EMBASSY DOES NOT PROVIDE COPYING SERVICES.

MOST IMPORTANT

*No assurance can be given in advance that a visa will be issued. A consular officer can make a decision only after your formal application and all documents are reviewed, and you have been personally interviewed by that officer.

*You are advised not to make any travel arrangements, not to dispose of your property or give up your job until the visa has been issued to you. The maximum validity of a fiancé(e) visa is six (6) months from the date of issuance. You must travel to the United States within that 6-month period. Please do not request an interview unless you have definite plans to move to the United States within six (6) months.

*This office will make every effort to expedite your visa application on the day of your appointment. It is possible that you will have to spend the entire morning or afternoon in the office before final action can be taken on your application. You may wish to bring a book or magazine to read.

*Passports with visas will be returned to you by mail. Processing and mailing time will take approximately one week, so please allow enough time before your intended date of departure.

*If you have further questions regarding the fiancé(e) visa process, please refer to our web page: "Frequently Asked Questions" section. <https://jp.usembassy.gov/visas/faq-list/k-visas/>

*For the most up-to-date information regarding visa processing, please visit "Important Notices" on the U.S. Embassy's web page at <https://jp.usembassy.gov/category/visas/>
We look forward to seeing you at your visa interview.

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Case Transfer Request

If you prefer to apply at a different office rather than Tokyo, you must request for case transfer. Please visit <https://jp.usembassy.gov/visas/immigrant-visas/case-transfer-request/> for further information.

K2 Unmarried Children

Unmarried children under the age of 21 (K-2) are eligible to apply with their K-1 parent or follow-to-join the K-1 parent later. If following-to-join, a K-2 applicant must apply for and be issued, if qualified, a K-2 visa within one year from the day the K-1 parent was issued the K-1 visa. K-2 applicants, regardless of age, are required to visit the Embassy for an interview.

Frequently Asked Questions on Police Certificates

Q: I have lived in the US, should I obtain a police certificate from the US?

A: No, police certificates from the US are not required for a fiancé(e) visa.

Q: I would like to apply for a police certificate but the Japanese police told me that I have to show them a paper from the US Embassy.

A: Please show the "Fiancé(e) K1/2 Visa Instructions" to the Japanese police.

Q: Do I need to translate the Japanese police certificate into English?

A: No, the certificate is already translated by the Japanese police. Please make sure to submit the police in the sealed envelope.

Q: I have lived in Canada for more than six months. Do I need a police certificate from Canada?

A: Yes. Each applicant aged 16, including accompanying children age 16 or older, must submit a police certificate from all countries where the applicant has lived for six months or more. Police certificates from certain countries are considered unobtainable. Information on police certificates for all countries is available on the Department of State's website:

<http://travel.state.gov/content/visas/en/fees/reciprocity-by-country.html>

Q: I obtained a police certificate over a year ago, do I need to obtain a new certificate?

A: Police certificates expire after one year, unless the certificate was issued from your country of previous residence and you have not returned there since the police certificate was issued.

More FAQs on police certificate can be found at our website:

<https://jp.usembassy.gov/visas/faq-list/police-certificates/>

Proof of Financial Support and Affidavit of Support – Form I-134

During the visa interview, applicants will be required to present evidence that they will not become a public charge in the United States. You may present evidence that you are able to financially support yourself or that your U.S. citizen fiancé(e) is able to provide support. The Consular Officer may request that a Form I-134, Affidavit of Support, be submitted by the U.S. citizen fiancé(e).

Affidavit of Support

Persons in the U.S. who wish to furnish sponsorship in the form of an affidavit of support for a fiancé(e) visa applicant or for an immigrant visa applicant who is not required to have the I-864, should use Form I-134 which is available from the USCIS website (<https://www.uscis.gov>).

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

- Copies of his or her latest federal income tax return
- Statement from his/her employer showing salary and the length and permanency of employment
- Statement from an officer of a bank regarding his/her account, the date the account was opened and the present balance
- Any other evidence adequate to establish financial ability to carry out his/her undertaking toward the applicant for what might be an indefinite period of time

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. The affidavit of support should be given to the applicant to present on the day of his/her visa interview. If you do not wish the person to see this affidavit, it may be sent directly to the Embassy/Consulate with a cover letter giving the applicant's full name, date and place of birth and case number.

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 letterhead stationery of the employing business. The letter should:

- Contain a definite offer of employment
- Give a description of the job offered to the alien and an explanation of skills which qualify the alien for the position
- State the rate of compensation to be paid and if pertinent, additional information detailing other benefits to be included in lieu of cash payment
- Specify the location, type and duration (whether seasonal, temporary or indefinite) of the employment offered **and**
- State whether the employment will be immediately available upon the applicant's arrival in the United States.

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:

- Bank statement showing present balance of applicant's account, date account was opened, number and amount of deposits and withdrawals during the past 12 months, and the average balance during the year. If there have been unusually large recent deposits, an explanation thereof should be given
- Proof of ownership of property or real estate, in the form of a title deed or the equivalent and a letter from a lawyer, or real estate agent showing its present valuation (any mortgages or loans against the property must be stated)
- Letter or letters verifying ownership of stocks and bonds, with present market value or indication of expected earnings
- Statement from insurance company showing policies held and present case surrender value
- 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 United States. must be provided.

FAQs

Should K-1 fiancé(e) visa applicants use the I-864 or the I-134?

Since fiancé(e)s are nonimmigrant visa applicants, they should use Form I-134. They will need to submit Form I-864 to US Citizenship and Immigration Services (USCIS) when they adjust status to conditional immigrant in the United States following the marriage.

Do the same income requirements apply to all immigrant visa applicants even if they use the I-134?

No. The 125 percent minimum income requirement, the most recent year's tax return and other requirements only apply when Form I-864 is needed. Applicants using Form I-134 will need to show that their sponsor's income is 100 percent of federal poverty guidelines as required under Section 212(a)(4).

財政証明および扶養証明書—書式 I-134

面接の際、米国において生活保護を受けるおそれがないことを証明するよう求められます。申請者ご自身、もしくは米国籍の婚約者は、財政的に申請者を扶養出来ることが証明できる書類をご準備ください。面接官は、米国籍の婚約者による扶養証明書書式 I-134 を提出するよう要求する場合があります。下記をお読みください。

扶養宣誓供述書(I-134)

扶養宣誓供述書を用いて婚約者ビザ申請者、または I-864 を必要としない移民ビザの申請者の保証人となることを希望する米国在住のスポンサーは、USCIS のウェブサイト (<https://www.uscis.gov>) から [Form I-134](#) をダウンロードして使用してください。

収入や他の財源に関する情報を証明するため、スポンサーは次の 2 つ以上の書類を宣誓供述書 I-134 に添付してください。

- 一番最近の連邦納税申告書のコピー
- 給与、勤続年数、雇用形態について記載された雇用主からの文書

<https://jp.usembassy.gov/visas/immigrant-visas/k-affidavit/>

Form I-864P, 2019 HHS Poverty Guidelines for Affidavit of Support

This information is used to determine the minimum income requirement needed to sponsor most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to rely on the U.S. government for financial support.

The information below represents the minimum income requirements when completing Form I-864, Affidavit of Support. These guidelines remain in effect from March 1, 2019, until new guidelines go into effect in 2020.

For the 48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands:

Sponsor's Household Size	100% of HHS Poverty Guidelines*	125% of HHS Poverty Guidelines*
	<i>For sponsors on active duty in the U.S. armed forces who are petitioning for their spouse or child</i>	<i>For all other sponsors</i>
2	\$16,910	\$21,137
3	\$21,330	\$26,662
4	\$25,750	\$32,187
5	\$30,170	\$37,712
6	\$34,590	\$43,237
7	\$39,010	\$48,762
8	\$43,430	\$54,287
	Add \$4,420 for each additional person	Add \$5,525 for each additional person

For Alaska and Hawaii, please check: <https://www.uscis.gov/i-864p>

Dear Applicants who are going to apply for a K visa in Tokyo:

Upon completion of Step 1 in the fiancée visa instructions, please email us the scanned copy of below documents at TokyoIV@state.gov . Enter in the subject of the email: "K Visa Documents for Interview – 'Your Last Name, First Name'".

1. **DS-160 confirmation page – with the barcode**
(Submit a copy on the day of your interview.)
2. **A copy of your current passport's biographic data page**
3. **A copy of US visa(s) in your passport(s) if any**
(Brief explanation of the unavailability of your previous U.S. visas in the email, if they are not available.)

Note: Emailing these documents in advance will decrease your waiting time on the interview day. You may bring them on your interview day if your interview date is near. This office does not verify receipt of documents. We appreciate your cooperation.

Bring On Your Interview Day

- **DS-160 Confirmation Page**
- **Two photographs with the white background**
(See below for photo requirements. Print name of the applicant on back of photograph.)

Photograph Requirements: All K visa applicants (regardless of age) are required to submit two photographs.

Frontal photographs must meet the following requirements:

- 2 x 2 inches (50 x 50 mm)
- In Color with **white** background and no boarder frame
- Taken within the last six months
- Face is at least 50% of the image
- Directly facing the camera
- No distracting shadows on the face
- No eye glasses



More information on the Photo Requirements is available at State Department website: <https://travel.state.gov/content/visas/en/general/photos.html>

Information on the Legal Rights Available to Immigrant Victims of Domestic Violence in the United States and Facts about Immigrating on a Marriage-Based Visa

Purpose:

Immigrants are particularly vulnerable because many do not speak English, are often separated from family and friends, and may not understand the laws of the United States. For these reasons, immigrants are often afraid to report acts of domestic violence to the police or to seek other forms of assistance. Such fear causes many immigrants to remain in abusive relationships.

This pamphlet will explain domestic violence and inform you of your legal rights in the United States. The International Marriage Broker Regulation Act (IMBRA) requires that the U.S. Government provide foreign fiancé(e)s and spouses immigrating to the United States information about their legal rights as well as criminal or domestic violence histories of their U.S. citizen fiancé(e)s and spouses. One of IMBRA's goals is to provide accurate information to immigrating fiancé(e)s and spouses about the immigration process and how to access help if their relationship becomes abusive.

What is domestic violence?

Domestic violence is a pattern of behavior when one intimate partner or spouse threatens or abuses the other partner. Abuse may include physical harm, forced sexual relations, emotional manipulation (including isolation or intimidation), economic and/or immigration related threats. While most recorded

incidents of domestic violence involve men abusing women or children, men can also be victims of domestic violence.

Domestic violence may include sexual assault, child abuse, and other violent crimes. Sexual assault is any type of sexual activity that you do not agree to, even with your spouse, and can be committed by anyone. Child abuse includes: physical abuse (any injury that does not happen by accident, including excessive punishment), physical neglect (failure to provide food, shelter, medical care or supervision), sexual abuse, and emotional abuse (threats, withholding love, support or guidance).

Under all circumstances, domestic violence, sexual assault, and child abuse are illegal in the United States. All people in the United States (regardless of race, color, religion, sex, age, ethnicity, or immigration status) are guaranteed protection from abuse under the law. Any victim of domestic violence – regardless of immigration or citizenship status – can seek help. An immigrant victim of domestic violence may be eligible for immigration protections.

If you are experiencing domestic violence in your home, you are not alone. This pamphlet is intended to help you understand U.S. laws and know how to get help if you need it.

What are the legal rights for victims of domestic violence in the United States?

All people in the United States, regardless of immigration or citizenship status, are guaranteed basic protections under both civil and criminal law. Laws governing families provide you with:

- The right to obtain a protection order for you and your child(ren).
- The right to legal separation or divorce without the consent of your spouse.
- The right to share certain marital property. In cases of divorce, the court will divide any property or financial assets you and your spouse have together.
- The right to ask for custody of your child(ren) and financial support. Parents of

children under the age of 21 often are required to pay child support for any child not living with them.

Consult a family lawyer who works with immigrants to discuss how any of these family law options may affect or assist you.

Under U.S. law any crime victim, regardless of immigration or citizenship status, can call the police for help or obtain a protection order.

Call police at 911 if you or your child(ren) are in danger. The police may arrest your fiancé(e), spouse, partner, or another person if they believe that person has committed a crime. You should tell the police about any abuse that has happened, even in the past, and show any injuries. Anyone, regardless of immigration or citizenship status, may report a crime.

Likewise, if you are a victim of domestic violence you can apply to a court for a protection order. A court-issued protection order or restraining order may prohibit your abuser from calling, contacting, approaching, or harming you, your child(ren), or other family members. If your abuser violates the protection order, you can contact the police, who may arrest the abuser. Applications for protection orders are available at most courthouses, police stations, women's shelters, and legal service offices.

If your abuser accuses you of a crime, you have basic rights, regardless of your immigration or citizenship status, including: the right to talk to a lawyer; the right to not answer questions without a lawyer present; the right to speak in your defense. It is important to talk with both an immigration lawyer and a criminal lawyer.

What services are available to victims of domestic violence and sexual assault in the United States?

In the United States, victims of crime, regardless of immigration or citizenship status, can access help provided by government or nongovernmental agencies, which may include counseling, interpreters, emergency housing, and even monetary assistance.

The national telephone numbers or "hotlines" listed below have operators trained to help victims 24 hours a day free of charge. Interpreters are available and these numbers can connect you with other free services for victims in your local area, including emergency housing, medical care, counseling, and legal advice. If you cannot afford to pay a lawyer you may qualify for a free or low-cost legal aid program for immigrant crime or domestic violence victims.

National Domestic Violence Hotline
1-800-799-SAFE (1-800-799-7233)
1-800-787-3224 (TTY)
www.ndvh.org

National Sexual Assault Hotline of the Rape, Abuse and Incest National Network (RAINN)
1-800-656-HOPE (1-800-656-4673)
www.rainn.org

National Center for Missing and Exploited Children
1-800-THE-LOST (1-800-843-5678)
www.missingkids.com

The National Center for Victims of Crime
1-800-FYI-CALL (1-800-394-2255)
1-800-211-7996 (TTY)
www.ncvc.org

NOTE: These are organizations whose primary mission is safety and protection.

If I am a victim of domestic violence, sexual assault, or other crime, what immigration options are available to me?

There are three ways immigrants who become victims of domestic violence, sexual assault, and some other specific crimes may apply for legal immigration status for themselves and their child(ren). A victim's application is confidential and no one, including an abuser, crime perpetrator or family member, will be told that you applied.

- Self-petitions for legal status under the Violence Against Women Act (VAWA)
- Cancellation of removal under VAWA
- U-nonimmigrant status (crime victims)

These immigration benefits each have specific requirements that must be established. Consult an immigration lawyer who works with victims of domestic violence to discuss how any of these immigration benefits may affect or assist you.

How does the marriage-based immigration process work?

The marriage-based immigration process involves several steps to obtain legal immigration status in the United States, and over time, to be eligible for citizenship. These steps depend on the type of marriage-based visa you travel on to the United States, as well as other factors. The following information is an overview of some of these types of visas, as well as information on your legal rights.

K-1 nonimmigrant status (as the fiancé(e) of a United States citizen): You are required to either marry the United States citizen within 90 days of entry or to depart the United States. Following your marriage to the U.S. citizen fiancé(e) who petitioned for you, you must file an Application to Register Permanent Residence or Adjust Status (Form I-485). If your Form I-485 is approved, your status will be adjusted from a K nonimmigrant to that of a conditional permanent resident. You will have that conditional status for two years.

If you remain in the U.S. without marrying the U.S. citizen who sponsored your K-1 visa, or marry someone else, you will violate the terms of your visa, have no legal status, and may be subject to removal proceedings or other penalties.

K-3 nonimmigrant status (as the spouse of a United States citizen): You are allowed to enter the United States temporarily while waiting for approval of a family-based visa petition (I-130). Once the I-130 is approved, you are entitled to lawful permanent

residence (green card) and will need to file an Application to Register Permanent Residence or Adjust Status (Form I-485).

All other marriage-based immigration status holders should refer to the information given to them from the U.S. consulate. Additional information may be found online at <http://www.uscis.gov>.

What are the penalties for marriage fraud?

Immigrants who commit marriage fraud may be subject to removal proceedings and may be barred from receiving future immigration benefits in the United States. Conviction for marriage fraud can involve imprisonment for up to five (5) years and fines up to \$250,000 (U.S. currency).

If I am married to a U.S. citizen who filed immigration papers on my behalf, what is my immigration status?

If you have been married less than 2 years when your Form I-485 is approved, you will receive conditional residence status from USCIS. Ninety (90) days before the second anniversary of your conditional residence, you and your spouse generally must apply together to remove the conditions on your lawful residence. To do so, you must prove the marriage is in "good faith" and valid. Once the conditions are removed, you have permanent residency that is not dependent on your U.S. spouse.

If you have been married more than 2 years when your Form I-485 is approved, you will receive permanent residence status from USCIS. On that date you will no longer be dependent on your U.S. citizen spouse for immigration status.

There are three situations when the law allows conditional residents the option to request a waiver of the requirement that you and your spouse file jointly to request removal of the conditions. 1) The removal of the conditional resident from the U.S. would result in extreme hardship; OR 2) The marriage was legally terminated, other than by death, and the applicant was not at fault for failing to file a timely application to remove the conditional basis of his or her status;

OR 3) During the marriage the U.S. citizen or lawful permanent resident spouse subjected the conditional resident to battery or extreme cruelty. All three waivers are filed on Form I-751 and require you to prove your marriage was in "good faith" and not fraudulent.

What other ways does the U.S. government try to inform foreign fiancées and spouses about their rights and protect them and their children from abuse?

The International Marriage Broker Regulation Act of 2005 (IMBRA) is a law in the United States that changed the marriage-based immigration process to help foreign fiancé(e)s and spouses. IMBRA mandates that the U.S. Government give immigrating foreign fiancé(e)s and spouses information and self-help tools to help protect them against violence from the partners who sponsor their visas. Immigrating fiancé(e)s and spouses are often unfamiliar with the U.S. laws and unsupported by family or friends to escape violence at home.

IMBRA required this pamphlet be written and distributed to tell you about laws and services that can help you in the United States if you are abused. IMBRA prevents U.S. citizens from sponsoring multiple visas for foreign fiancé(e)s if they have a history of violent crimes. IMBRA requires the U.S. government to give foreign fiancé(e)s and spouses of U.S. citizens a copy of the criminal background check that USCIS does on U.S. citizen-sponsors, as well as a copy of the visa sponsorship application.

How does the U.S. government regulate "International Marriage Brokers"?

If an agency qualifies as an "international marriage broker," it is required to give you background information on the U.S. client who wants to contact you, including information contained in Federal and State sex offender public registries, and get your written permission before giving the U.S. client your contact information. The agency is required to give you a copy of this pamphlet. It is prohibited from doing business with you if you are under 18 years of age.

Can I rely on the criminal background information on my U.S. citizen fiancée or spouse?

The criminal background information compiled by the agency comes from various public sources, as well as information provided by the U.S. citizen clients on immigration applications. USCIS does not have access to all criminal history databases in the United States. The U.S. citizen sponsor may not tell the truth in the sponsorship application. It is also possible the U.S. citizen has a history of abusive behavior but was never arrested or convicted. Therefore, the criminal background information you receive may not be complete. The intent of IMBRA is to provide available information and resources to immigrating fiancé(s) and spouses. Ultimately you are responsible for deciding whether you feel safe in the relationship.

Can foreign fiancées or spouses who are victims of domestic violence also be victims of human trafficking?

Other forms of exploitation including human trafficking can sometimes occur alongside domestic violence, when the exploitation involves compelled or coerced labor, services, or commercial sex acts.

Help regarding human trafficking may be found at:

National Human Trafficking Resource Center
1-888-373-7888
(24 hours a day, 7 days a week)
www.acf.hhs.gov/trafficking

Human Trafficking and Worker Exploitation Task Force Hotline, U.S. Department of Justice
1-888-428-7581
(Monday - Friday, 9am to 5pm)
www.usdoj.gov/crt/crim/tpwetf.php

More information can be found at our website or by calling the toll free number listed below.

USCIS General Information
In the United States, telephone toll free to:
1-800-870-3676 or

Visit our internet website at:
<http://www.uscis.gov>

