

VIII. K-3 VISA/ STATUS – SPOUSES OF U.S. CITIZENS

The K-3 Visa, also known as “Spouse” visa, allows spouses of U.S. citizens to enter the United States while they wait until they are able to apply for lawful permanent residence status. Basically, this has a shorter waiting periods compared to marriage-based immigration visa petitions. The children (below 21 years of age), on the other hand may accompany you to the U.S. on the K-4 dependent visa granted they are named in the visa petition.

You are eligible to receive the K-3 visa if you are legally married to a U.S. citizen; have a family based I-130 immigration petition filed by the U.S citizen spouse on your behalf; and if you seek to enter the United States to wait for the approval of your green card petition and subsequent lawful permanent resident status.

To apply, your U.S. Citizen spouse must: a) File Form I-130, Petition for Alien Relative, with the U.S. Citizenship and Immigration Services (“USCIS”) in the U.S. on your behalf; and file a second petition, Form I-129F Petition for Alien Fiancé, together with a copy of the receipt notice for the I-130 with the USCIS in the U.S. on your behalf. **Note:** Confirmation of USCIS approval of the I-129F Petition for Alien Fiancé is required before a K-3 visa may be issued.

The K-3 visa has some privileges that are not present with the K-1 fiancé visa. Unlike the K-1 fiancé visa, the K-3 visa allows you to reside in the U.S. with your family while waiting for the approval of your immigrant visa petition, you may apply for a work permit, you may travel outside of the U.S. on short trips and re-enter and you may study in the U.S.

If you are with a K-3 visa, you may remain in the United States while waiting for your approval Form I-130 and are able to apply for lawful permanent residence status instead of waiting outside the United States as what the law previously has required.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!