

# ImmiCore Law

A Professional Law Corporation

## Comparison of Options for Foreign Spouses / Fiancés of US Citizens

Visa Type	Purpose	Process	Timelines* (see email from Attorney for current processing times)	Comments
<b>One-Step AOS</b>	Immigrant Petition and Adjustment of Status ("AOS") can be filed concurrently for a foreign spouse that is already in the U.S.	<p>Step 1: File I-130 &amp; I-485 AOS concurrently with Service Center;</p> <p>Step 2: Attend local interview;</p> <p>Step 3: If approved, Green Card will be mailed</p>	Step 1-3: 8 to 14 months	This is appropriate only where the foreign spouse did <u>not</u> have the intent to immigrate permanently to the U.S. when entering on another non-immigrant visa, such as B-1/B-2, or F-1. If on a dual intent visa such as H or L, then intent at time of entry is not an issue
<b>IV-CP</b>	Immigrant Visa Petition through Consular Processing	<p>Step 1: File I-130 Immigrant Petition with Service Center</p> <p>Step 2: Once I-130 Petition is approved, case will be transferred to the National Visa Center (NVC), where original documents will be collected.</p> <p>Step 3: Consular Processing &amp; Interview (Only Foreign National is interviewed)</p> <p>Case will be transferred to the U.S. Consulate abroad. The Consulate will schedule an interview through NVC and require additional documents to be submitted, esp., medical exam;</p> <p>Step 4: Enter the U.S. on an Immigrant Visa, foreign spouse is deemed a Lawful Permanent Resident upon entry to the U.S. The actual Green</p>	<p>Step 1: Est. 10 to 12 months</p> <p>Step 2: 1 to 2 months</p> <p>Step 3: 1 to 2 months</p>	<p>Processing times are slower than K-1 by 1-2 months.</p> <p>Only 1 interview which is at the consulate.</p> <p>Foreign spouse enters the U.S. as a Lawful Permanent Resident and does not have to do any further processing in the U.S.</p>

		Card will be mailed to the foreign spouse's US address.		
<b>K-3 – Spouses</b>	This is a temporary visa which allows a foreign national to enter the US and finish the processing for the Green Card from within the U.S.	<p>Step 1: File I-130 Immigrant Petition with Service Center</p> <p>Step 2: Upon getting the Receipt Notice for the I-130 Petition; File I-129F Fiance Petition – but select "Spouse" with Service Center;</p> <p>Step 3: Consular Processing &amp; Interview (Only Foreign National is interviewed)</p> <p>Case will be transferred to the U.S. Consulate abroad. The Consulate will schedule an interview and require additional documents to be submitted (medical exam; police clearance certificate(s); affidavit of support).</p> <p>Step 4: Enter the U.S. on K-3 Visa. Valid for 2 years.</p> <p>Step 4: File Adjustment of Status to permanent resident. There will be an interview with USC &amp; Foreign Spouse</p>	<p>Step 1: 2 weeks to receive I-130 Receipt Notice</p> <p>Step 2: 5 mos. ave. (currently longer)</p> <p>Step 3: 1 to 2 mos after approval of I-129F</p> <p>Step 4: 6 mos. ave.</p>	<p>In recent years, the K-3 timeline has become similar to the IV-CP timeline, thus rendering this option nearly obsolete.</p> <p>More costly than IV in Attorney's Fees &amp; Filing Fees.</p> <p>Foreign spouse <u>can</u> travel while on the K-3. We can file for employment authorization, usually with the Adjustment, which should be approved w/in 90 days.</p>
<b>K-1 – Fiancé visa</b>	<p>This is a temporary visa which allows a foreign national to enter the US and marry a US Citizen.</p> <p>Wedding must take place in first 90 days of entering.</p> <p>After that the foreign spouse can apply to adjust status in the U.S.</p>	<p>Step 1: File I-129F Fiance Petition and Supporting Documents with Service Center</p> <p>Step 2: Consular Processing and Interview (Only Foreign National is interviewed)</p> <p>Step 3: Enter the U.S. on K-1 Visa. Marry within 90 days of entry</p>	<p>Step 1: 5 mos. ave.</p> <p>Step 2: 1 to 2 mos after approval of I-129F</p> <p>Step 3: Must enter within 180 days of K-1 visa stamp;</p>	<p>The foreign fiancé is likely to enter the U.S. more quickly than through other options.</p> <p>I think the intended place of marriage should be the guiding choice between K-1 &amp; K-3.</p>

		Step 4: File Adjustment of Status to permanent resident. There will be an interview with USC & Foreign Spouse	Step 4: 6 mos. To 12 mos. ave. EAD/AP: 6 mos.	Foreign fiancé should not travel until receiving advance parole through the adjustment of status application.
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