

# ImmiCore Law

A Professional Law Corporation

## K-3/K-4 PROCEDURES INA §101(a)(15)(K)(III)

### Steps:

#### A. Stage 1: Service Center - Filing I-130/I-129F Petition

1. File Immediate Relative Petitioner (Form I-130) with Service Center;
2. Service Center will send a Receipt Notice for the I-130 within 2 weeks;
3. Once the I-130 Receipt Notice is received, File K-3 Spouse Petition (Form I-129F)
4. When Service Center issues approval of I-129F, the case will be forwarded by the Service Center to the National Visa Center (NVC);

#### B. Stage 2: NVC / Consulate - Applying for a Visa

5. I-129F & I-130 approval:
  - a. If the NVC receives the approved I-129F petition before it receives the I-130 petition, the NVC will process the I-129F petition. NVC will then send the I-129F petition to the U.S. Embassy or Consulate abroad where the marriage took place or if got married in the U.S. then in the country where the foreign spouse resides;

OR

- b. **NOTE:** When both petitions have been approved by USCIS and sent to the NVC or when USCIS approves the I-130 before the I-129F, the availability of, as well as the need for, a nonimmigrant K-3 visa ends. If the NVC receives both an approved I-130 petition and an approved I-129F petition:
      - The nonimmigrant K-3 visa case will be administratively closed. If there are dependents (K-4) discuss with Law Firm potential issues.
      - The application process explained below will not be available to the foreign-citizen spouse and cannot be used.
      - The NVC will contact the U.S. citizen sponsor and foreign-citizen spouse, with instructions for processing the IR-1 (or CR-1) immigrant visa. Law Firm will assist with the Immigrant Visa processing.

*If proceeding with K-3:*

6. U.S. Embassy sends forms and checklist to Beneficiary (see below for requirements);
7. Beneficiary sends completed form to U.S. Embassy;
8. Beneficiary must have a medical examination prior to the consulate interview;
9. U.S. Embassy schedules an interview date;
10. Beneficiary has interview at U.S. embassy; be prepared to bring original documents.
11. K-3 issued to Beneficiary, and Beneficiary travels to the U.S.

#### C. Stage 3: Beneficiary files for Adjustment of Status after entering the U.S.

12. Beneficiary can then adjust status (I-485) and file for employment authorization (EAD) ;
13. After getting EAD, Beneficiary can apply for social security number;
14. Interview for adjustment of status.