

**U.S. Interests Section Havana (USINT)****Consular Section**

Immigrant Visa Unit  
3200 Havana Place  
Washington, DC 20521-3200

**K3/K4 Visa : Spouse of a U.S. Citizen**

Information Unit

Fax: [53](7) 833-1084

☎ [53](7) 834-4400/-01/-02 or 836-0552/-53/-54 (8:30-4:30)

The Legal Immigration Family Equity Act (LIFE) of 2000 created two new visa categories, K3 and K4, for the spouse of a U.S. citizen who is waiting abroad for an immigrant visa, and that spouse's children. This allows them to enter the U.S. as non-immigrants, re-unite with their family, and then apply for immigrant status while in the U.S. (Note: a K3 visa is *not* a prerequisite for a spouse who chooses to apply for a CR-1 or IR-1 immigrant visa.)

**Who May Apply for a K3/K4 Visa**

Any individual who meets the following three criteria may apply for a K3 visa:

1. You are the spouse of an American citizen.
2. An immigrant visa petition, Form I-130 (*Petition for Alien Relative*), has been *filed* on your behalf, but not yet *approved*, by the Bureau of Citizenship & Immigration Services (BCIS) (formerly, DHS).
3. A K3 petition, Form I-129F (*Petition for Alien Fiancée*) has been filed on your behalf *and approved* by BCIS. K3 petitions are adjudicated only by and must be filed with:
  - Bureau of Citizenship & Immigration Services (BCIS)
  - Missouri Service Center (MSC)
  - P.O. Box 7218
  - Chicago, IL 60680-7218

Yes, the mailing address for the Missouri Service Center is a P.O. box in Chicago.

**K4 - Children of K3 Beneficiary**

The unmarried sons and daughters under age 21 of a K3 beneficiary have derivative status that entitles them to apply for a K4 visa. In this case (unlike that of the parent), the child does not need his own immigrant visa petition (I-130), nor does he need a K3 petition (I-129F). He may simply apply for his visa with his K3 beneficiary parent. However, in order to later adjust to permanent status in the United States, a K4 recipient will need to have an approved immigrant visa petition (I-130). This petition should be filed with BCIS as soon as possible. A child may apply for a K4 visa after the K3 Beneficiary (this is known as "follow-to-join"). However, the K4 visa must be issued within one year of the date of K3 issuance to the parent. *Note:* K4 status is available only to the child of a K3 recipient. The child of an American citizen whose other parent is not a K3 recipient must apply for: (a) U.S. citizenship/passport (if eligible), or (b) an IR-2 immigrant visa.

*Unlike Immigrant Visa applicants, Cuban K3/K4 visa applicants may NOT seek Parole status for a relative.*

**How to Apply for a K3/K4 Visa**

After the BCIS approves the K3 Petition (I-129F), it sends it to the State Department's National Visa Center (NVC) in Portsmouth, NH, for pre-processing, including a special administrative processing for homeland security purposes. The file is then forwarded to USINT-Havana. NVC will send a courtesy letter to the Petitioner advising him that the petition has been received and the name of the Consulate where it is being sent. When USINT gets the petition, we open a casefile under the Beneficiary's name as it appears on the I-129F. USINT also sends a telegram to the Beneficiary at the

address on the I-129F asking the Beneficiary to contact the Information Unit (☎ above) to either arrange an appointment to pick up the "superpacket" of application forms and information, or to ask USINT to mail the superpacket.

Under current regulations, USINT can accept an application for a K3 visa only when we have the BCIS-approved, original, I-129F in hand. A K3 Beneficiary may not apply for a K3 visa if the approved I-130 immigrant visa petition is in Havana, or if the Beneficiary has already applied for the IR-1/CR-1 visa. The Beneficiary may apply for either the IR-1/CR-1 or the K3 if the approved I-130 arrives after USINT has notified the Beneficiary that the K3 petition is here. A K3 applicant may apply for an IR-1/CR-1 any time after the I-130 arrives in Havana. Applicants who have a choice should opt for the IR-1/CR-1, since an IR-1/CR-1 recipient does not have to undertake the Adjustment of Status processing (described below). No Green Card can be issued until Adjustment of Status is complete, and that process may take a year or longer.

**Adjustment of Status for K3/K4 Beneficiaries**

The K3/K4 visa does not in itself provide immigrant status. After arrival in the U.S., the K3 visa recipient applies for immigrant status by filing with BCIS an Application for Adjustment to Permanent Residence (Form I-485). A K4 recipient after arrival in the U.S. must file an I-485 and also have an I-130 filed by his U.S. citizen parent/stepparent. A K3 or K4 recipient becomes a Legal Permanent Resident and receives his Green Card when BCIS approves both his I-130 and his I-485. A K3 or K4 recipient may apply for authorization to work in the U.S. while he waits for approval of his immigrant status. (Contact BCIS for more information about Employment Authorizations for K3/K4 recipients.)

**Return Travel to Cuba**

Cuban K3/K4 recipients should be aware of potential problems which will arise if they wish to leave the U.S. while still in K3 status. Like most non-immigrant visas issued to Cubans, K3 visas are single-entry; that is, they can be used only once. Afterwards, a Cuban in K3 status who leaves the U.S. will have to apply for another K3 visa if he wishes to re-enter the U.S. (Such individuals visiting Cuba may also find that the Cuban Government may require another Exit Permit.) Individuals in K3 status are therefore advised to defer visits abroad until they have their Green Card, or else they should secure an Advance Parole travel document from BCIS prior to departing the U.S.

**For More Information**

Additional information on K3/K4 visas, including validity period, status after admission to the USA, and subsequent steps for the completion of one's application for immigrant status can be found on the websites of:

Consular Affairs <http://www.unitedstatesvisas.gov>

<http://travel.state.gov/>

BCIS <http://www.uscis.gov>

BCIS also has a toll-free customer telephone service:

☎ 1-800-375-5283