

## A Guide to Fiancée Visa Processing

The U.S. Embassy in Warsaw processes fiancée visas for Belarus and Poland. The fiancée or K visa allows the prospective spouse of a U.S. citizen to travel to the United States for the purpose of marriage. The minor children (under 21) of the prospective spouse can also travel to the United States with a K visa. We hope that this guide will answer most of your questions about K visas.

### Terminology used in this guide:

<b>Appointment Package</b>	Information sent by the Embassy to your fiancée, which sets an appointment date and explains how to obtain the required medical examination
<b>Beneficiary</b>	The fiancée named in the petition
<b>USCIS</b>	U.S. Citizenship and Immigration Services (formerly the Immigration and Naturalization Service)
<b>Fiancée</b>	The term fiancée will be used to include both male and female prospective spouses
<b>Instruction Package</b>	Information sent by the Embassy to your fiancée, which specifies the documents that must be obtained and presented at the visa interview
<b>K-1 Visa</b>	The visa category for the fiancée of a U.S. citizen
<b>K-2 Visa</b>	The visa category for the minor children of a K-1 visa holder
<b>NVC</b>	National Visa Center, Portsmouth, N.H.
<b>Petition</b>	Form I-129(F) “Petition to Classify Status of Alien Fiancé or Fiancée for Issuance of Nonimmigrant Visa”
<b>Petitioner</b>	The U.S. citizen who files a petition with a USCIS office in the United States on behalf of a fiancée asking that he or she be admitted to the United States for the purpose of marriage

### First Step – Filing the Petition

To begin the K-1 process, you file a petition at the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS)—formerly the Immigration and Naturalization Service (INS)—office having jurisdiction over your current or intended residence in the U.S. The filing fee is \$455.00 for the petition. There is no separate petition or separate fee for the children of the fiancée—they are listed on the same petition. As with all fees connected with visas, this fee may change without prior notice.

The children of your fiancée should be listed in the petition even if they will not be traveling at this time. USCIS sets the requirements for petition approval. Petitions for K-1 visas cannot be filed or approved outside the United States. You will find more detailed and current information on the filing procedure on the USCIS website at <http://www.uscis.gov>.

Ask USCIS directly if you have further questions about the petition process and petition approval requirements. Petition approval is only the first phase of the visa process. Petition approval is not visa approval. The petition only supplies the basis on which your fiancée can apply for a K visa. Your fiancée must still establish eligibility to receive a K visa. Be sure to specify that the approved petition should be sent to Warsaw if your fiancée is in Belarus, or in Poland. The U.S. Embassy in Belarus does not process fiancée visas. If your petition has been misdirected to Minsk, it will take several weeks before it reaches Warsaw. You do not need to contact the U.S. Embassy in Minsk regarding a misdirected petition. They will automatically forward the petition to Warsaw via registered diplomatic pouch. If, however, your petition has been sent in error to Moscow or to another Foreign Service post, you should contact that post and ask them to forward the petition to Warsaw. Please do not contact the Embassy in Warsaw with a request to retrieve your petition from another Embassy.

## **S**econd Step –The Approved Petition

All approved petitions are forwarded by the USCIS to the Department of State’s National Visa Center (NVC). NVC performs a namecheck that requires a reply from the FBI. This namecheck is usually completed within ten days, but some cases take substantially longer. If the beneficiary holds a Russian passport, an additional namecheck procedure taking one month or more is done.

NVC notifies you when they have processed the petition and they will send it to the U.S. Embassy for further processing. It takes two to three weeks for the actual approved petition and its supporting documentation to reach the Embassy. Your petition is valid for four months, but can be extended by the Embassy if a visa cannot be issued during that period and the intention to marry still exists.

## **T**hird Step – Processing

Once we receive an approved petition from NVC we send to the beneficiary an “Instruction Package,” which explains what documents he or she must collect prior to the visa interview. The Instruction Package for applicants from Belarus is in Russian. The Embassy in Warsaw has Russian-speaking staff to ensure accurate communication with applicants from Belarus. We also have forms in Polish, Russian and in English. The Instruction Package asks your fiancée to assemble the following documents:

- Valid passports for the beneficiary and any dependent children

- Birth certificates for the beneficiary and any dependent children
- Proof of termination of any prior marriages, as well as proof of any prior name changes
- A police certificate from the current place of residence of the beneficiary, as well as from any place or places of residence for 1 year or more since attaining the age of 16
- Police certificate(s) for any dependent children over 16

Original documents bearing the signatures and seals of the issuing authorities are required. Any documents in a foreign language other than Polish must be accompanied by an English translation.

**When your fiancée has collected all the documents specified in the Instruction Package, he or she should notify the Embassy by returning Form IV-F04 (former WRW1) certifying that all required documents have been obtained. Form IV-F04 may be returned by fax or as an email attachment sent to the following email address: fiancewrw@state.gov.**

## **F**ourth Step – Scheduling an interview

The Appointment Package—which explains the medical examination process and sets an appointment date for a visa interview—is sent to the beneficiary when we have received the following items:

- The actual approved petition
- A signed Form IV-F04 from the beneficiary

On average, the first available appointment is about six to eight weeks from the time when the Embassy receives the petition.

The Appointment Package contains instructions on where the medical examination can be completed. An Embassy-approved physician in Belarus or Poland must perform the medical exam.

In addition to mailing the Appointment Package, we will, upon request, notify by e-mail or ordinary mail attorneys of record or interested petitioners not represented by an attorney that the Appointment Package has been sent and that an appointment date has been set. The basic information contained in the Appointment Package can be found on the Embassy webpage at <http://warsaw.usembassy.gov>.

## **F**ifth Step – The Visa Interview

Visa interviews are by appointment only. Beneficiaries should not travel to Warsaw until they have received an appointment date from the Embassy. Applicants who appear without appointments are not interviewed. Appointment dates for K visas are posted on the Embassy webpage in the first few days of each month. If your fiancée's case number

appears on this listing and your fiancée has the Appointment Package information available from the website, he or she may come to the Embassy even if an Appointment Package has not been received in the mail. On the date of the appointment your fiancée should come to the Immigrant Visa section of the Embassy in Warsaw between 8:00 a.m. and 10:00 a.m. We do not assign individual appointment times. Children under 14 do not need to attend the interview.

Your fiancée will fill out a Nonimmigrant Visa Application (DS-156) in duplicate, as well as one copy of the supplement to form DS-156 (DS-156K). Each dependent child also needs a completed Nonimmigrant Visa Application, in duplicate. Original documents, not copies, must be brought to the interview. Originals of primary documents, such as birth, marriage, and death records, are returned to the applicant after the interview.

Your fiancée will be asked to present:

- Valid passports for the beneficiary and any dependent children
- Birth certificates for the beneficiary and any dependent children
- Proof of termination of any prior marriages of both petitioner and beneficiary, as well as evidence of any name changes
- Police certificate(s) for the beneficiary and any dependent children over 16 years of age
- Medical exam results for the beneficiary and any dependent children
- Proof of adequate financial support once in the United States to ensure that your fiancée and dependent children will not become public charges
- Supporting documents verifying the relationship between the petitioner and beneficiary
- Two identical color photographs with white background on glossy paper. The photographs must be 5 cm square with the applicant facing the camera directly (both ears must be exposed); the dimensions of the facial image must measure about 30 mm from chin to top of head.

Petitioners should not use the contractually binding Affidavit of Support form I-864. This form is not required for K visas. Documentation regarding financial support can be in any form so long as it contains enough detail and information for the consular officer to conclude that the beneficiary will not become a public charge. Petitioners may submit the "old" Affidavit of Support (form I-134) if they wish.

After a consular officer has reviewed the case, your fiancée is interviewed. The consular officer asks your fiancée questions about your relationship, such as how you met and when you decided to marry. The consular officer is required by law to verify that your relationship with your fiancée is real, that you met at least once within two years prior to petition filing, and that you do intend to marry within 90 days of your fiancée's arrival in the United States. Your fiancée is required to sign a statement regarding his or her legal capacity to marry and intention to marry. The consular officer thoroughly reviews the case to make sure that your fiancée is eligible to receive a U.S. visa. **Provided everything is in order at the time of the interview, a fiancée visa applicant from**

**Belarus usually receives a visa the next day. Visas issued to Polish applicants are sent by DHL courier service.** Your fiancée and each dependent child pay a \$350.00 non-refundable machine-readable-visa fee on the day of the interview. This fee must be paid in cash in U.S. or Polish currency, at the current exchange rate, which is subject to change without notice.

If your fiancée is not issued a visa, because, for example, a document is missing, he or she is given notification in writing at the time of the interview. Please review this notification before contacting the Embassy with questions about the case.

Supporting documentation, including the K petition, birth certificate, Nonimmigrant Visa Application, and medical exam is placed in a sealed envelope and given to the applicant for presentation to USCIS at the port of entry. We do not keep copies of these documents at the Embassy.

## Contact Policy

Because we get so many inquiries about fiancée visas, we ask your cooperation in helping us respond to them. Please read the following instructions carefully and follow them as closely as possible. This will save you time, the expense involved in contacting us, and the frustration we know you feel when we cannot immediately respond to your inquiry.

Most general questions can be answered by a close reading of this guide. We can only answer inquiries about cases that have already been transferred to the Embassy. After USCIS approves the petition, it normally takes from four to six weeks for a case to reach us. **PLEASE DO NOT ASK US ABOUT ANY CASE THAT WAS APPROVED LESS THAN FOUR TO SIX WEEKS AGO.** We will not have any information on those cases.

Once we receive the case from NVC, it will take approximately six to eight weeks to process the case to the point of visa issuance. We can neither eliminate any aspect of the processing nor overlook any requirements. We make every effort to process each case as expeditiously as possible.

Please send your inquiry through one channel only. If you yourself contact us, do not also have your attorney and/or member of Congress also contact us with the same inquiry. We do not respond to redundant inquiries. Please consolidate your questions and send them to us no more frequently than once a week.

If possible, please use e-mail to communicate with the Embassy. It is the most efficient way to reach the Embassy and the quickest way to get answers to your questions. We have a dedicated e-mail address for K visa cases: [fiancewrw@state.gov](mailto:fiancewrw@state.gov). Faxes may be sent to the following number: +48-22-504-2088.

If you have been requested to send original documents to the Embassy, you can do so by U.S. mail at the address below. It usually takes several weeks for your letter to reach the Embassy:

U.S. Embassy Warsaw/CONS  
Department of State  
5010 Warsaw Place  
Washington, D.C. 20521-5010

Documents can also be sent by international mail or courier service to the following street address:

U.S. Embassy  
Immigrant Visa Section  
Ul. Piekna 12  
00-540 Warsaw  
Poland

Due to the volume of inquiries, reaching the Embassy by telephone is difficult. We suggest that you use e-mail or fax rather than call the Embassy.

Please do not contact us to request an appointment date. Appointments are scheduled in order at the earliest available opportunity. Notification of the appointment date is sent automatically to fiancée visa applicants, not to the petitioner. Our appointment schedule is posted on the Embassy webpage on the Internet at <http://warsaw.usembassy.gov> during the first week of every month. We appreciate your desire to have the visa issued as soon as possible; to ensure fair treatment for all applicants, cases are scheduled in the order in which applicants qualify for them. There are no exceptions.

Thank you for your cooperation. By following the above guidelines, you will help us better serve you.

## Frequently Asked Questions

### **Q. What is the process for extending a petition beyond the original four-month validity?**

A. The process is very simple. A consular officer can revalidate a K visa petition any number of times for additional periods of 4 months provided the officer concludes that the petitioner and beneficiary remain legally free to marry and continue to intend to marry each other within 90 days after the beneficiary's admission into the United States. To have the petition revalidated send a written request to the Embassy that includes a statement of your intention to go forward with the marriage.

**Q. Do dependent children receiving K-2 visas need to travel to the United States at the same time as the K-1 beneficiary?**

- A. No, eligible dependent children can travel to the United States on a K-2 visa issued within a year of the issuance of the K-1 visa to the principal beneficiary. This is true even if the K-1 beneficiary has subsequently married, provided the dependent child is still unmarried and under 21 years of age at the time of K-2 issuance. To schedule a visa interview for a dependent child, the principal applicant, the petitioner, or the child's legal guardian must contact the Embassy at least one month prior to the requested interview date. If a dependent child of a fiancée seeks to enter the United States more than one year after the fiancée has received a K-1 visa, it will be necessary to file an immigrant visa petition for the child.

**Q. Should I include all of my fiancée's children in the K visa petition?**

- A. USCIS holds that all children of a K-1 beneficiary must be listed on the visa petition. If a child has been omitted on the petition you filed, the Embassy requires a written statement from you that you know about the child and are aware the child is or may be seeking a K-2 visa.

**Q. What if my fiancée is pregnant and this is not disclosed on the approved petition?**

- A. Visa processing can continue in this case if the consular officer obtains a statement indicating awareness of the pregnancy and the desire to proceed with the marriage.

**Q. If I decide not to marry my fiancée, can I cancel the petition?**

- A. Yes, you must make a signed notarized request to the Embassy asking to withdraw the petition. We will suspend processing if we receive a faxed copy of the statement, but we will not close the case until we receive the original in the mail.

**Q. If my fiancée entered the U.S. on a K visa, but had to leave before we were married, can my fiancée receive a new K visa?**

- A. K visas are issued valid for a single entry and a 6-month period. If a beneficiary has returned abroad prior to the marriage, the consular officer may issue a new K visa provided that the period of validity does not exceed the 90<sup>th</sup> day after the date of initial admission of the alien on the original K visa and provided also that the petitioner and beneficiary still intend and are free to marry. After the 90<sup>th</sup> day, unless other arrangements have been made with USCIS prior to your fiancée's departure, you will need to start the K visa process again.

**Q. The Embassy mailed an Instruction Package to my fiancée but she didn't receive it. What can I do?**

- A. Mail delivery from Poland to neighboring countries is slow. You should allow two to three weeks for a letter from Warsaw to reach most destinations. If your fiancée has

not received the Instruction Package within three weeks, the Embassy will mail another. The Instruction Package information is also on the Embassy website. You or your fiancée can access the information directly from the website and can download the necessary forms and instructions.

**Q. Can a copy of the Instruction Package or Appointment Package be faxed to my fiancée or me?**

A. Due to cost factors we cannot fax duplicate Appointment Package or Instruction Package information. The basic information in the Appointment Package and Instruction Package can be found on the Embassy website at <http://warsaw.usembassy.gov>. If the Embassy has already sent out an Instruction Package, the applicant can respond to it using the information on the website. If the Embassy already has scheduled a case and posted the case number on the website, the applicant can follow the Appointment Package instructions posted on the website.

**Q. Can I pay for my fiancée's visa with a credit card?**

A. No, payment must be made in cash at the Embassy in U.S. or Polish currency.

**Q. Will writing to my Representative in Congress or my Senator speed up the process?**

A. Every American citizen may write to Congress about any matter of concern. Every inquiry we receive from Congress gets a reply. Inquiring through Congress will not, however, speed up the process. Inquiries that you send yourself will receive the same answers we would send to Congress. As a matter of policy we ask all petitioners to limit their inquiries to one channel of communication. If you choose to inquire through Congress, please do not send duplicate inquiries directly to the Embassy.

**Q. Can I accompany my fiancée to the interview?**

A. Yes, you may accompany your fiancée to the interview, but your presence is optional.

**Q. Will my fiancée be able to communicate with the staff at the Embassy?**

A. Yes, our staff speaks English, Polish, and Russian.

**Q. What should I do about making travel arrangements for my fiancée?**

A. Travel arrangements are your responsibility. We advise all applicants that final travel arrangements should never be made until a visa is actually issued. We also advise applicants not to take/quit jobs, sell property, or terminate leases until a visa is actually issued. Not every visa interview results in issuance of a visa. If you choose to make travel arrangements for your fiancée before a visa is issued, you do so at your own risk.

**Q. What proof should I present to show that I can support my fiancée financially?**

A. Proof can be supplied in different forms. Many applicants present a notarized I-134 affidavit of support. This form is available from USCIS. Other acceptable forms of proof are a letter from your employer that indicates your current earnings and job history; your most recent federal income tax returns; and bank statements or documentation of other assets. Do not submit the I-864 Affidavit of Support form. This form is used only in immigrant visa cases.

**Q. Will my fiancée be fingerscanned?**

A. Yes, all visa applicants aged 14 to 79 are fingerscanned. Therefore, your fiancée (and his/her children 14 years of age and older applying for K-2 visas) will have all ten fingers scanned at the Embassy. This process is quick, simple and inkless. It involves a digital scanning of the applicant's fingers. This data does not appear on the visa, but is stored in a database accessible to the inspector at the port of entry. It is used to verify that the person who applied for and was issued the visa is the person presenting himself/herself at the port of entry with that visa.