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Basic Fact Sheet on Fiancé(e) Visas

If your fiancé(e) is not a citizen of the United States, and you plan to get married in the United States, then you must file a Petition with USCIS on behalf of your fiancé(e). On approval, your fiancé(e) must obtain a visa issued at a U.S. Embassy or Consulate abroad. The Fiancé(e) visa is subject to the following proscriptions:

- The marriage must take place within 90 days of your fiancé(e) entering the United States.
- If the marriage does not take place within 90 days or your fiancé(e) marries someone other than you (the original U.S. citizen Petitioner, your fiancé(e) will be required to leave the United States.
- A fiancé(e) may not obtain an extension of the 90-day original nonimmigrant admission.
- Your fiancé(e) may enter the United States only one time with a fiancé(e) visa.
- If your fiancé(e) leaves the country before you are married, your fiancé(e) may not be allowed back into the United States without a new visa.
- You and your fiancé(e) must be free to marry. This means that either of you are unmarried, or that any previous marriages have ended through divorce, annulment or death, and both of you are of legal age to marry.
- You must also have met with your fiancé(e) in person within the last two years before filing for the fiancé(e) visa. This requirement can be waived only if meeting your fiancé(e) in person would violate long-established customs, or if meeting your fiancé(e) would create extreme hardship for you.

After arriving in the United States, your fiancé(e) will be eligible to apply for a work permit. (You should note that USCIS might not be able to process the work permit within the 90-day time limit for your marriage to take place.)

After the marriage, your fiancé(e) applies for adjustment of status to permanent resident. Conditional permanent residency is granted when the marriage creating the relationship is less than two years old at the time of adjustment to permanent residence status. The couple must jointly file a Joint Petition to Waive the Condition on Residence at a defined point in time approximately two years subsequent to the date of conditional permanent residency.

There may be other reasons that your fiancé(e) is not eligible for adjustment to permanent resident status. The most common reasons your fiancé(e) may be ineligible for adjustment to permanent resident status are:

- S/he was not admitted or paroled into the United States after being inspected by a U.S. Immigration inspector.
- S/he was employed in the United States without USCIS authorization or s/he is no longer legally in the country (except through no fault of her/his own or for some technical reason). This rule does not apply to s/he if:
 - S/he is the immediate relative of a U.S. citizen (parent, spouse, or unmarried child under 21 years old).
 - S/he is among certain foreign medical graduates, international organization employees and family members.
- S/he is a J-1 or J-2 exchange visitor who must comply with the two-year foreign residence requirement, and s/he has not met or been granted a waiver for this requirement.
- Your fiancé(e) was previously admitted as a fiancé, but did not marry the U.S. citizen who filed the petition. Alternatively, s/he was admitted as the K-2 child of a fiancé(e) and your parent did not marry the U.S. citizen who filed the petition.

Note: This is basic information concerning what can be an extremely complex area of immigration law. You should consult an immigration attorney if you think you are eligible for an H-1B visa.

Please [email me](#) or call me toll free at 1-866-US VISAS if you would like to ask me an immigration question or schedule a consultation.

Please visit my [website](#) for additional articles and information on immigration and visas.

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