

K Visa & IV Comparison Chart 2023

<u>K-1 Nonimmigrant Visa</u>	<u>K-3 Nonimmigrant Visa</u>	<u>IV Consular Process</u>
<p><i>K-1 nonimmigrant visa allows the fiancé(e) of a U.S. citizen (USC) to enter the U.S. to marry the USC within 90 days of entry. (K-2s issued to minor children of the K-1.)</i></p>	<p><i>K-3 nonimmigrant visa allows the spouse of a U.S. citizen to enter the U.S. to await I-130 approval and apply for a green card inside the U.S. (K-4s issued to minor children of the K-3.)</i></p>	<p><i>Spousal immigrant visa allows the spouse of a U.S. citizen to enter the U.S. as a green card holder. (No derivative minor children; where stepchild under 18 at the time of marriage, USC may petition for them individually.)</i></p>
<u>Process</u>	<u>Process</u>	<u>Process</u>
<ul style="list-style-type: none"> - File I-129F for spouse; children included - Receipt notice of I-129F - Possible Request for Evidence - Decision on I-129F 	<ul style="list-style-type: none"> - File I-130 for spouse; children included - Receipt notice of I-130 - File I-129F with I-130 receipt - Possible Request for Evidence on I-129F - Decision on I-129F 	<ul style="list-style-type: none"> - File I-130 for spouse and each child - Receipt notice of I-130 - Possible Request for Evidence on I-130 - Decision on I-130
<ul style="list-style-type: none"> - If approved, case transferred to embassy or consulate abroad for DS-160/I-134 submission and interview for visa issuance - Enter U.S. on K-1 visa - USC and fiancé(e) must marry within 90 days of entry 	<ul style="list-style-type: none"> - If I-129F approved first, case transferred to embassy or consulate abroad for DS-160/I-134 submission and interview for visa issuance - Enter U.S. on K-3 Visa 	<ul style="list-style-type: none"> - If approved, case transferred to the National Visa Center for visa processing. - Pay NVC fee bills - Complete DS-260/I-864 - File transferred to embassy or U.S. consulate for interview and visa issuance. - Enter U.S. on immigrant visa - Pay immigrant fee for green card
<ul style="list-style-type: none"> - File I-485 and ancillary forms to adjust status and become a green card holder (spouse/child file separately). 	<ul style="list-style-type: none"> - File I-485 and ancillary forms to adjust status and become a green card holder (spouse/child file separately, children need I-130 filed for each at this time). 	
<u>Timing*</u>	<u>Timing*</u>	<u>Timing*</u>
4.5-16.5 months + consular processing	4.5-16.5 months + consular processing	13.5-15.5 months + consular processing
<u>Gov't Fees*</u>	<u>Gov't Fees*</u>	<u>Gov't Fees*</u>
<i>K-1 process</i>	<i>K-3 process</i>	<i>IV process</i>
I-129F \$755	I-129F free	I-130 \$535
DS-160 \$265	DS-160 \$265	DS-260 \$325
<i>After entry – adjustment of status</i>	<i>After entry – adjustment of status</i>	<i>After entry – Green Card fee</i>
I-485 \$1,225	I-485 \$1,225	Immigrant Fee \$220

K Visa & IV Comparison Chart 2023

<u>Considerations</u>	<u>Considerations</u>	<u>Considerations</u>
<ul style="list-style-type: none"> - USC and fiancé(e) must have met in-person w/in last 2 years. Exceptions: 1) extreme hardship or 2) violates strict and long-established customs. - Entry on K-1/K-2 is not work authorized automatically; requires separate filing after arrival. - No I-130 for derivatives means no CSPA protection. Separate rules protect K-2 child from aging out. - Useful for couples wanting to marry in the U.S. - Useful for same-sex partners unable to marry in country of origin. - K-1/K-2 I-94 is valid for 90 days. - The green card is valid for 10 years unless the marriage that serves as the basis for the green card existed for less than 2 years on the date the permanent residency was approved. 	<ul style="list-style-type: none"> - Intended for faster family reunification by allowing spouse to await I-130 and adjustment processing in the U.S. If I-130s are being adjudicated faster than I-129Fs, it is not helpful (case automatically becomes IV consular process) - Entry on a K-3/K-4 is not work authorized automatically; requires separate filing after arrival. - Filing a separate I-130 for child protects age-out issues for K-4. - K-3s are valid for 2 years. - K-4s are valid for 2 years or until the child turns 21, whichever comes first. - The green card is valid for 10 years unless the marriage that serves as the basis for the green card existed for less than 2 years on the date the permanent residency was approved. 	<ul style="list-style-type: none"> - Most cost-effective option but often requires longest wait abroad awaiting adjudication of I-130 and immigrant visa. - Because beneficiaries arrive as permanent residents, they are work authorized upon arrival. - Separate I-130s protect children from aging out. - Applying for adjustment in the U.S. allows for counsel present at interview and appeal if initially denied. Applying for immigrant visa abroad provides for very limited administrative and jurisdictional review. - The green card is valid for 10 years unless the marriage that serves as the basis for the green card existed for less than 2 years on date of admission on the immigrant visa.

**Costs do not include medical exam fee, which vary by medical practitioner domestically and abroad. Both costs and processing times may change at the discretion of the federal government.*

THE ABOVE INFORMATION IS NOT LEGAL ADVICE. PLEASE CONSULT AN IMMIGRATION ATTORNEY OR DOJ ACCREDITED REPRESENTATIVE REGARDING YOUR SITUATION PRIOR TO TAKING ANY ACTION.