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FIANCEE VISAS: HOW TO BRING YOUR LOVED ONE TO THE UNITED STATES.

QUESTION:

I have a girlfriend in Poland and we are very much in love. Can I sponsor her for a fiancée visa? If so, how do I do it?

ANSWER:

Yes, if you are a US citizen, you can sponsor your girlfriend for a fiancée visa, but you will need to marry her within 90 days after she comes to this country.

A U.S. citizen can sponsor their fiancée to come to this country on a fiancée visa known as a K-1 visa. If the visa is approved, they must marry within 90 days to the person who sponsored their visa in order to qualify for adjustment of status to permanent residence in this country.

An application for a fiancée visa is made by the submission of BCIS Form I-129F to the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. There are many necessary forms and documents necessary to submit with the I-129, including photos, birth records and other immigration forms. It generally takes approximately six months to one year to finish the fiancée visa process.

Upon submission of the application, the Immigration Service attempts to determine if the relationship is bona fide. In order to prove that the relationship is valid, it is necessary to provide certain documentation. This includes evidence of the past relationship, correspondence, travel records, other evidence of their time spent together and their courtship. It is helpful to submit photographs of the couple together, including photos with family members if possible. We recommend that clients also submit statements from family members confirming that the relationship exists.

It is also necessary to submit financial documents proving that the petitioner US citizen can support the fiancée in the United States financially. This usually includes tax returns, W2s from an employer and a letter confirming present employment.

Once approval in the U.S. occurs, there is a consular interview at the Consulate overseas at which the applicant may be asked questions about the relationship.

If the officer is satisfied the relationship is bona fide, and all other requirements for the visa are met, the visa is approved. Once the person comes to the United States, they must marry the petitioner within 90 days. U.S. law does not allow the individual to switch to a different U.S. visa under any circumstances. If the marriage does not occur, the person must return to their home country.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY & ASSOCIATES has practiced law since 1984 and has handled over 1000 immigration cases. He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C. His offices are in San Francisco, San Jose and Sacramento. His website is: www.youradvocate.net or www.YourAdwokat.com . His office can be reached at **(415) 777-4445 (San Francisco), (916) 349-2900 (Sacramento) or (408) 993-0233 (San Jose)**