



Instructions for Petition for Alien Fiancé(e)

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-129F
OMB No. 1615-0001
Expires 02/29/2012

What is the Purpose of This Form?

This form is used to petition to classify:

1. Your fiancé(e) for marriage to you, and his/her child(ren) (K-1 and K-2), to pursue adjustment of status to lawful permanent resident; or
2. Your spouse and his/her child(ren) as nonimmigrants under the LIFE Act to pursue adjustment of status to lawful permanent resident (K-3 and K-4).

Who May File Form I-129F?

You may file this petition if you are a U.S. citizen and:

1. You and your fiancé(e):
 - a. Intend to marry within 90 days of your fiancé's admission to United States and you are both free to marry;
 - b. Have met in person within 2 years before filing this petition, unless you establish that either:
 - (1) The requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or
 - (2) The requirement to meet your fiancé(e) in person would result in extreme hardship to you.
- OR**
2. You wish to have your spouse enter as a nonimmigrant awaiting approval of a Form I-130 you have filed on his or her behalf. See **item number 9.** of these instructions.

NOTE: If the children of your fiancé(e) or spouse are also your children, they might have acquired citizenship through you. Check the U.S. Department of State Web site for more information.

If the children of your fiancé(e) or spouse did not derive U.S. citizenship, and they are unmarried, under 21 years of age and listed on this form, they will be eligible to apply for a visa to accompany or follow to join your fiancé(e) or spouse.

Form I-130, Petition for Alien Relative, does not need to be filed on behalf of the child of a K-3 beneficiary in order to obtain a K-4 visa. Form I-130 does, however, need to be filed on behalf of the child of a K-3 beneficiary in order for the child to be eligible for permanent resident status.

General Instructions

Each petition must be properly signed and accompanied by the appropriate fee. (See "**What is the Filing Fee?**" section of these instructions.) A photocopy of a signed petition or a typewritten name in place of a signature is not acceptable.

If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf.

Evidence. You must submit all required initial evidence and any supporting documentation with your petition at the time of filing.

Copies. Unless USCIS specifically required that an original document be filed with a petition, you may submit a legible photocopy. Original documents submitted when not required may remain a part of the record and will not be automatically returned to you.

Translations. Any document containing a foreign language submitted to USCIS must be accompanied by a full English language translation. In addition, the translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-129F

1. Type or print legibly in black ink.
2. If extra space is needed to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration number, if any, at the top of each sheet and clearly identify the part and number of the item that you are answering. Sign and date each sheet of paper.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is “none,” leave the space blank.
4. The answers to questions 15.e., 15.f., 15.g., and 15.h. should be in reference to the passport or travel document used at the last entry into the United States.

Requirements and Documents

1. What Are the Requirements for Compliance With the International Marriage Broker Regulation Act (IMBRA)?

If you met your fiancé(e) or spouse (your beneficiary) through the services of an international marriage broker (IMB), you must notify USCIS of that fact by answering **item number 35.** of **Part 2** of this form. In addition, you must provide the signed, written consent form that the IMB obtained from your beneficiary authorizing the release of his or her personal contact information to you. If the consent form is written in any language other than English, you must provide a certified English translation with the original form.

The term “international marriage broker” means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as lawful permanent residents and foreign national clients.

International marriage brokers provide personal contact information or facilitate communication between individuals.

The term “international marriage broker” does not include:

- a. Traditional matchmaking organizations of a cultural or religious nature that operate on a non-profit basis and in compliance with the laws of the countries in which they operate, including the laws of the United States; or
- b. Entities that provide dating services if their principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals, and that charges comparable rates and offers comparable services to all individuals served regardless of their gender or country of citizenship.

For additional IMBRA requirements, see **item numbers 3.** and **4.** of these instructions.

2. What Filing Limitations Does IMBRA Place on K-1 Nonimmigrant Petitioners?

You must apply for a filing limitations waiver if any of the following apply:

- a. You have previously filed K-1 petitions for two or more beneficiaries; or
- b. You previously had a K-1 petition approved and less than 2 years have passed since the filing date of such previously approved petition.

To request a waiver, submit a written request with this petition accompanied by documentation supporting your claim to the waiver.

If you have committed a violent criminal offense against a person or persons, USCIS may not grant such a waiver unless you can demonstrate that extraordinary circumstances exist. For details regarding those circumstances, see **Item 3.b.** of these instructions.

3. What Documents Must You Submit to Comply With IMBRA?

a. If you have ever been convicted of any of the following crimes, submit certified copies of all court and police records showing the charges and dispositions for every conviction. You must do so even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

(1) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(2) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of these crimes.

(3) Crimes relating to a controlled substance or alcohol on three or more occasions, where such crimes did not arise from a single act.

NOTE: If your petition is approved, a copy of your petition, including the information you submit regarding your criminal convictions, will be provided to the Department of State for dissemination to the beneficiary of your petition under section 833(a)(5)(A)(ii) of IMBRA. In addition, under section 833(a)(5)(A)(iii) of IMBRA, any criminal background information pertaining to you that USCIS may discover independently in adjudicating this petition will also be provided to the Department of State for disclosure to the beneficiary of your petition. You should also note that under section 833(c) of IMBRA, the name and contact information of any person who was granted a protection or restraining order against you, or of any victim of a crime of violence perpetrated by you, will remain confidential. However, your relationship to such person or victim (e.g., spouse, parent, former spouse) will be disclosed.

b. Available Waivers

Multiple Filer, No Disqualifying Convictions (General Waiver)

If the beneficiary is your fiancé(e) and you are seeking a waiver of the filing limitations imposed by IMBRA, you must answer **item number 3.a.-3.c. of Part 3**. In addition, you must attach a signed and dated request for the waiver, explaining why a waiver is appropriate in your case, together with any evidence in support of your request. Examples of such evidence include, but are not limited to: a death certificate, police reports, news articles, or medical reports from a licensed medical professional regarding the death or incapacity of your previous fiancé who was the beneficiary of a fiancé petition filed by you.

Multiple Filer, Prior Criminal Conviction for Specified Offenses (Extraordinary Circumstances Waiver)

If you have committed a violent offense and seek a waiver, you must attach a signed and dated request for the waiver, together with evidence that extraordinary circumstances exist in your case.

Examples of evidence establishing eligibility for a waiver based on extraordinary circumstances include, but are not limited to: police reports, court records, news articles, and trial transcripts reflecting the nature and circumstances surrounding the petitioner's violent offense(s), his/her rehabilitation, ties to the community, or records demonstrating good conduct and exemplary service in the uniformed services.

Multiple Filer, Prior Criminal Convictions Resulting from Domestic Violence (Mandatory Waiver)

If you have committed a violent offense and seek a waiver and you were battered or subjected to extreme cruelty by your spouse, parent, or adult child at the time you committed your violent offense(s), and you were not the primary perpetrator of violence in the relationship you should submit evidence that:

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- (1) You were acting in self-defense;
 - (2) You violated a protection order intended for your protection; or
 - (3) You committed, were arrested for, were convicted of, or pleaded guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime committed and you having been battered or subjected to extreme cruelty.

Examples of such evidence include, but are not limited to:

- (a) Police reports;
- (b) Court records;
- (c) News articles; or
- (d) Trial transcripts.

Applicants may submit any credible evidence that is relevant to the request for a waiver.

4. What Case Tracking Requirements Were Added by IMBRA?

IMBRA requires USCIS to maintain a database to track repeated petitions for K visas. Upon approval of a second petition for a K-1 or K-3 visa filed by a U.S. citizen petitioner, USCIS will notify the petitioner that information concerning the petitioner has been entered into a multiple visa petition tracking database. USCIS will enter all subsequent K-1 or K-3 petitions filed by that petitioner into the database. Once a petitioner has had two K-1 or K-3 petitions approved, if a subsequent petition for a K-1 or K-3 visa petition is filed less than 10 years after the date the first petition was filed, USCIS will notify both the petitioner and the beneficiary of the number of previously approved petitions listed in the database.

5. What Documents Do You Need to Show That You Are a U.S. Citizen?

- a. If you were born in the United States, submit a copy, front and back, of your birth certificate.
- b. If you were naturalized, submit a copy, front and back, of your original Certificate of Naturalization.
- c. If you were born outside the United States and you are a U.S. citizen through your "parent(s)", submit:
 - (1) A copy of your original Certificate of Citizenship; or
 - (2) Your Form FS-240, Report of Birth Abroad of a United States Citizen.
- d. In place of any of the above, you may submit a copy of your valid, unexpired U.S. passport issued with a validity period of at least 5 years. You must submit copies of all pages in the passport.
- e. If you do not have any of the above and were born in the United States, see **Item 6, "What If a Document Is Not Available?"**

6. What If a Document Is Not Available?

If the primary evidence document needed above is not available, you may be able to submit secondary evidence. In order to overcome unavailability of primary evidence, you must establish three elements to the satisfaction of USCIS:

- a. The primary evidence document does not exist or is not available;
- b. There is a reasonable explanation for the lack of the primary evidence document; and
- c. The document(s) that you wish to submit in lieu of the primary evidence document(s) is/are genuine, germane and credible.

Accordingly, you should submit:

- a. A written statement from the appropriate civil authority on government letterhead certifying that the needed primary evidence document is not available. The statement must indicate the reason the record does not exist, and indicate whether similar records of the time and place are available (in lieu of such statement, you may submit a citation from the Department of State's Foreign Affairs Manual indicating that such records are generally not available). If

the appropriate civil authority does not know why a document does not exist or is not available, a separate statement, under oath, from a person having knowledge of the issues and events in question explaining why the primary evidence document either never existed, no longer exists, or (although it exists) is not currently available

- b. If you are unable to acquire the necessary document or statement from the relevant civil authority you may submit evidence that repeated good faith attempts were made to obtain the required document or statement. However, where USCIS finds that such documents or statements are generally available, it may require that the applicant or petitioner submit the required document or statement.

AND

- c. One of the following alternative documents (listed in descending order of preference):

- (1) Certificate of Religious Rite. A copy, front and back, of the certificate under the seal of the church, synagogue, mosque or other religious entity showing:
- (a) The type of religious rite performed (e.g., baptism, bris, dedication, marriage, burial service or comparable rite);
 - (b) The date and place the rite was performed;
 - (c) The name and title of religious authority who officiated at the rite;
 - (d) The name(s), date(s) and place(s) of birth of the party(ies) involved (including witnesses to the event, if available);
 - (e) If the document is being submitted in lieu of a birth certificate, the names of the child's parents and (if available) the dates and places of birth of those parents; and
 - (f) If the document is being submitted in lieu of a death certificate, the date and place of the death.

NOTE: The closer the date of the rite to the date of the associated event, the more credibility the document is likely to be given.

- (2) U.S. Census Record. State or Federal census records showing the name(s), and date(s) and place(s) of birth (or ages) of the person(s) listed.
- (3) School Record. A letter from the school authority (preferably from the first school attended) showing the date of admission to the school, the child's date of birth (or age at time of enrollment), the child's place of birth, and the names of the child's parents.
- (4) Written Affidavits. If secondary evidence also does not exist or cannot be obtained, the applicant or petitioner must demonstrate the unavailability of both the required document and relevant secondary evidence, and submit two or more affidavits, sworn to or affirmed by persons who are not parties to the petition who have direct personal knowledge of the event and circumstances. Each affidavit must contain the affiant's full name, address, date and place of birth, and signature. The affidavit must also explain the affiant's relationship to you, full information concerning the event, and complete details of how the affiant acquired the information.

7. If Filing for Your Fiancé(e) (K-1), What Documents Do you Need to Prove That Your Fiancé(e) Is Eligible for K-1 Classification and That You Both Can Legally Marry?

- a. If either of you was married before, submit evidence that all prior marriages have been terminated. Evidence of termination of prior marriages may include a divorce decree, or an annulment or a death certificate issued by a competent civil authority.
- b. Submit evidence that you and your fiancé(e) intend to marry within 90 days of your fiancé(e)'s entry as a K-1. Evidence of your intention to marry may include a statement of intent to marry.
- c. Submit evidence that you and your fiancé(e) have met in person during the 2 years preceding your filing of this petition. Such evidence may include a written statement from you and/or the beneficiary stating the exact date(s) on which you met in person, copy of airline tickets, passport pages, or other evidence showing you and the beneficiary have met in person during the requisite time period. If you believe you qualify for an exception to the meeting requirement, submit evidence in support of the exception.

8. What Other Documents Do You Need?

- a. Submit two completed and signed Forms G-325A, Biographic Information; one for you and one for your beneficiary. Except for name and signature, you do not have to repeat the information given on your Form I-129F.
- b. Submit a passport-style color photograph of yourself and a passport-style color photograph of your beneficiary, with both photos taken within 30 days of the date of filing this petition. The photos must have a white background, and be glossy, un-retouched, and be unmounted. The dimension of the full frontal facial image should be about one inch from your chin to the top of your hair. Using a pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.
- c. If either you or the person for whom you are filing is using a name other than that shown on the relevant documents, you must submit copies of the legal documents that made the change, such as a marriage certificate, adoption decree, or court order.

NOTE: Failure to provide the **petitioner's Social Security number** may result in the rejection of Form I-129F.

- d. **If your fiancé(e) is currently in the U.S. complete the following:** Items **15.a. -15.h.** Complete all sections. Regarding the Admission/travel document - provide the I-94 admission number which may have been received from U.S. Customs and Border Protection in connection with arrival and admission to the United States, or from U.S. Citizenship and Immigration Services if immigration status was granted within the United States. The I-94 number is on the Form I-94 Arrival-Departure Record, which may be noted as the Departure Number on some versions. If CBP did not provide a Form I-94 upon arrival/admission to the United States, a print out of the Form I-94 may be obtained according to the instructions provided by CBP. Also, provide the date of admission and the date that the authorized stay expired or will expire.

9. If Filing for Your Spouse (K-3), What Documents Do You Need to Prove That You and Your Spouse Are Legally Married and That Your Spouse Is Eligible for K-3 Classification?

If your beneficiary is your spouse, you must submit the documents required in **item numbers 1., 2., and 6.** of the "**Requirements and Documents**" section of these instructions, but may omit the documents required in **item number 5.** In addition, a U.S. citizen seeking K-3 classification for his or her spouse must include evidence that he or she has filed Form I-130, Petition for Alien Relative, on behalf of the spouse listed on this form, a marriage certificate showing a valid marriage, and documents that establish the dissolution of any previous marriages for the petitioner and beneficiary.

The LIFE Act requires that the Form I-129F beneficiary apply for a K-3 visa in the country where the marriage to the U.S. citizen petitioner occurred. The petitioner must identify the city and country of the consulate where the beneficiary will apply for a visa in **Part 2, item numbers 37.a. and 37.b.** of Form I-129F, to avoid lengthy delays. In the event the petitioner and alien were married in the United States, they must list the country of the alien's current residence.

What Is the Filing Fee?

The filing fee for a Form I-129F is **\$340.**

There is no fee for Form I-129F petitions for classification of an alien as a spouse of a United States citizen.

Use the following guidelines when you prepare your check or money order for the Form I-129F fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security.**
NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."
3. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

Notice to Those Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The fee on this form is current as of the edition date appearing in the lower left corner of this page.

However, because USCIS fees change periodically, you can determine if the fees are correct by following one of the steps below:

1. Visit the USCIS Web site at www.uscis.gov, select "FORMS," and check the appropriate fee; or
2. Telephone the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Where Do I File This Form?

Please see our Web site at www.uscis.gov or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request.

Processing Information

How Does Your Alien Fiancé(e) Obtain Permanent Resident Status?

If you married each other within 90 days of your fiancé(e)'s entry into the United States, your alien spouse must then apply promptly to USCIS for adjustment to conditional permanent resident status, using Form I-485, Application to Register Permanent Residence or Adjust Status. If, at the time of approval, your marriage is less than 2 years old, your fiancé, now spouse, will be granted permanent residence on a conditional basis. You and your spouse will then be required to file a Form I-751, Petition to Remove Conditions of Residence, within the 90 day period prior to the expiration date on your spouse's green card.

How Does Your K-3 Spouse Obtain Resident Status?

Once the Form I-130, Petition for Alien Relative, you filed on behalf of your spouse is approved he or she must promptly apply to adjust status to that of permanent resident by filing Form I-485, Application to Register Permanent Residence or Adjust Status.

If adjustment of status is approved, your spouse will become a permanent resident of the United States. If, at the time of approval, your marriage is less than 2 years old, your spouse will be granted permanent residence on a conditional basis. You and your spouse will then be required to file a Form I-751, Petition to Remove Conditions of Residence, within the 90 day period prior to the expiration date on your spouse's green card.

How Does a Conditional Permanent Resident Apply to Have the Conditions Removed?

Both you and your conditional permanent resident spouse are required to file Form I-751, Petition to Remove the Conditions on Residence, during the 90-day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence. Children who were admitted as conditional permanent residents with your spouse may be included in the joint petition to remove the conditions. With the exception of the regulations to file for removal of conditions, all rights, privileges, responsibilities, and duties that apply to all other permanent residents apply equally to a conditional permanent resident. This includes the right to file petitions on behalf of qualifying relatives, and to live and work in the United States as an immigrant in accordance with the immigration laws.

NOTICE

Failure to file Form I-751, Petition to Remove the Conditions on Residence, will result in termination of permanent resident status and initiation of removal proceedings.

Any Form I-129F that is not signed will be rejected with a notice that the Form I-129F is deficient. You may correct the deficiency and resubmit Form I-129F. An application or petition is not considered properly filed until accepted by USCIS.

Initial Processing

Once Form I-129F has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-129F.

Requests for More Information or Interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision

You will be notified in writing as to whether you have established that your spouse is eligible for the requested classification. If your petition is denied, you will also be provided with information regarding appeal rights and procedures.

Address Changes

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the USCIS Lockbox facilities do not process change of address requests.

USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS Web site at www.uscis.gov. You may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning the USCIS National Customer Service Center at **1-800-375-5283**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through USCIS' Internet-based system, **InfoPass**. To access the system, visit USCIS' Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129F, we will deny your Form I-129F and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.

PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the immigration benefit for which you are filing. The information you provide will be used to grant or deny the benefit sought for your beneficiary or beneficiaries.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your form.

ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records, which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C 1746) that all information and documentation submitted with this form is true and correct. You also have authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS verification of such information.

The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided. Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR part 103.2(b)(16), you will be provided an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour, 35 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of the Policy and Strategy, 20 Massachusetts Ave., N.W., Washington, DC 20529-2140. OMB No. 1615-0001. **Do not mail your Form I-129F petition to this address.**