



NEWS RELEASE

Contact: Media Services
Office of Public Affairs
(202) 514-2648 Fax: (202) 514-1776

August 14, 2001 (Rev.)

INS Implements the "K" Nonimmigrant Visa Provision of the LIFE Act

WASHINGTON — To reduce the separations immediate family members of U.S. citizens may experience while waiting abroad for an immigrant visa, the Immigration and Naturalization Service (INS) is implementing a new K nonimmigrant visa provision, which was published as an interim rule in today's *Federal Register*.

The rule expands the K visa status, currently available to fiancé(e)s of U.S. citizens, to include the spouse of a U.S. citizen, who is waiting abroad for an immigrant visa, and the spouse's children. This will allow them to enter the United States as nonimmigrants, reunite with their family here, and then apply for immigrant status while in the country. It is one of several immigration benefit provisions created by the Legal Immigration Family Equity Act (LIFE Act) enacted last December.

Under this new nonimmigrant visa classification, spouses of U.S. citizens may be granted K-3 nonimmigrant status, and the spouse's unmarried children (under 21 years of age) may be granted K-4 nonimmigrant status. Obtaining a K-3/4 visa is not required, however. Spouses of U.S. citizens and their children may skip applying for a K visa and directly obtain their immigrant visa abroad from the Department of State.

For those who wish to take advantage of this new provision, to be eligible for a **K-3** nonimmigrant visa, an applicant **MUST**:

- Be the spouse of a U.S. citizen;
- Have a Form I-130 (Petition for Alien Relative) filed on his/her behalf by his/her U.S. citizen spouse, that is pending;
- Have a Form I-129F (Petition for Alien Fiancé(e)) completed and submitted on his/her behalf by his/her U.S. citizen spouse to:

U.S. Immigration and Naturalization Service
P.O. Box 7218
Chicago, IL 60680-7218

(Note: The INS must approve the Form I-129F before the beneficiary becomes eligible to apply for the K Visa from the U.S. consulate abroad.); and

- Submit a completed Form I-693 (Medical Examination) when he/she appears at the consulate to apply for the K-3 visa from the Department of State.

To be eligible for a **K-4** nonimmigrant visa, an applicant does not need a separate Form I-130 or a Form I-129F filed on his/her behalf. The K-4 applicant **MUST**:

- Be an unmarried child (under 21 years of age) of a K-3 visa applicant or holder;
- Submit a completed Form I-693 (Medical Examination) when he/she appears at the consulate to apply for the K-4 visa.

Applying for Immigrant Status

The K-3/4 nonimmigrant classification does not provide immigrant status. To obtain immigrant status --once in the United States -- a K-3 nonimmigrant must file a Form I-485 (Application for Adjustment to Permanent Residence). A K-4 nonimmigrant must have a Form I-130 filed on his/her behalf by his/her U.S. citizen parent/stepparent and must file a Form I-485. K-3/4 nonimmigrants will become lawful permanent residents and receive their Green Card when both the Form I-130 petition and their Form I-485 application have been approved.

K-3/4 non-immigrants may elect to apply for an immigrant visa instead of adjustment of status and may wait in the United States until they must appear at the consulate for their visa interview.

Employment Authorization

K-3/4 nonimmigrants may also apply for authorization to work in the United States while they wait for their immigrant status. To do so, they must submit a completed Form I-765 (Application for Employment Authorization) along with the \$100 application fee to the INS post office box (P.O. Box) address specified above for filing the Form I-129F.

Additional information and application forms regarding the K visa and other LIFE Act benefits are available on the INS Web site *www.ins.gov* (forms can be downloaded from the site), or by calling the INS toll-free customer telephone service: 1-800-375-5283.

Application procedures are explained in the Federal Register notice.

-- INS --