OMB No. 1615-0001; Expires 01/31/2010

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

Instructions for Form I-129F, Petition for Alien Fiancé(e)

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-129F more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website online at www.uscis.gov before you file, and check the Immigration Forms page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-129F matches the edition date listed for Form I-129F on the online Immigration Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form.

This form is used to petition to bring your fiancé(e) and that person's children to the United States for marriage to you or to bring your spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status (under the LIFE Act and Amendments of 2000).

Who May File This Form I-129F.

You may file this petition if:

1. You are a U.S. citizen, and
2. You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States, and are both free to marry, and have met in person within two years before your filing of this petition unless:
   - **A.** 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
   - **B.** It is established that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

     OR
   - **C.** You wish to have your spouse enter as a nonimmigrant. **See Item 8, How Do You Use This Form for Your Spouse Seeking Entry Using a K-3 Visa, on Page 4.**

NOTE: Unmarried children of your fiancé(e) or spouse who are under 21 years of age and listed on this form will be eligible to apply to accompany your fiancé(e) or spouse.

General Instructions.

Step 1. Fill Out the Form I-129.

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Step 2. General requirements

1. **Compliance with the International Marriage Broker Regulation Act (IMBRA).**

   If you met your fiancé(e) or spouse through the services of an international marriage broker, you must notify USCIS of that fact by answering Question 19 on this 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 by providing personal contact information or otherwise facilitating 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 it operates, 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 charge comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

For additional IMBRA requirements, see **Items 7** and **9** of these instructions

2. Filing Limitations on K Nonimmigrant Petitioners.

If you have filed two or more K-1 visa petitions at any time in the past or previously had a K-1 visa petition approved within two years prior to the filing of this petition, you must apply for a waiver. To request a waiver you must submit a written request with this petition accompanied by documentation of your claim to the waiver.

If you have committed a violent 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 7.B.** of these instructions.

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

A. If you were born in the United States, give USCIS a copy, front and back, of your birth certificate.

B. If you were naturalized, give USCIS 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 parents, give USCIS:

1. 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 give USCIS a copy of your valid, unexpired U.S. passport issued with a validity period of at least five 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 4, What If a Document Is Not Available.**

4. What If a Document Is Not Available?

If the documents needed above are not available, you can instead give USCIS the following secondary evidence. However, USCIS may request in writing that you obtain a statement from the appropriate civil authority certifying that the needed document is not available. Any evidence submitted must contain enough information, such as a birth date, to establish the event you are trying to prove.

A. ***Baptismal certificate***. A copy, front and back, of the certificate under the seal of the church, synagogue or other religious entity showing where the baptism, dedication or comparable rite occurred, as well as the date and place of the child's birth, date of baptism and names of the child's parents. The baptism must have occurred within two months after the birth of the child.

B. ***Census record.*** State or Federal census records showing the name(s), date(s) and place(s) of birth or age(s) of the person(s) listed.

C. ***School record***. A letter from the school authority (preferably from the first school attended), showing the date of admission to the school, child's date or age at that time, place of birth and the names of the parents.

D. ***Affidavits***. If a required document cannot be obtained, you must submit either an original written statement from the governmental agency that should have the record, verifying that the record does not exist or a citation to the Department of State Foreign Affairs Manual indicating that such records are generally not available. Only then may you submit written affidavits sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event. 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 event and complete details of how the affiant acquired the information.

5. What Documents Do You Need to Prove That You Can Legally Marry?

A. Provide copies of evidence that you and your fiancé(e) have personally met within the last two years; or if you have never met within the last two years, provide a detailed explanation and evidence of the extreme hardship or customary, cultural or social practices that have prohibited your meeting; and

B. Provide original statements from you and your fiancé(e) whom you plan to marry within 90 days of his or her admission, and copies of any evidence you wish to submit to establish your mutual intent; and

C. If either of you is of an age that requires special consent or permission for you to marry in the jurisdiction where your marriage will occur, give proof of that consent or permission; and

D. If either you or your fiancé(e) were married before, give copies of documents showing that each prior marriage was legally terminated.

6. What Other Documents Do You Need?

A. Submit a completed and signed Form G-325A (Biographic Information) for you and a completed and signed Form G-325A for your fiancé(e). Except for name and signature, you do not have to repeat on the Biographic Information form the information given on your Form I-129F.

B. Give USCIS a passport-style color photograph of yourself and a passport-style color photograph of your fiancé(e), with both photos taken within 30 days of the date of filing this petition. The photos must have a white background, be glossy, un-retouched and not mounted. The dimension of the full frontal facial image of you and your fiancé(e) in separate photos 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 you are filing for is using a name other than that shown on the relevant documents, you must give USCIS copies of the legal documents that made the change, such as a marriage certificate, adoption decree or court order.

7. What Documents Do You Need to Comply With the International Marriage Broker Regulation Act?

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 such conviction. This is required 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 <u>on three or more occasions</u>, and 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 pursuant to section 833(a)(5)(A)(ii) of IMBRA. In addition, pursuant to 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 the petitioner, will remain confidential but that the relationship of the petitioner of such person or victim (i.e., spouse, child, etc.) will be disclosed.

B. If you are seeking a waiver of the filing limitations imposed by IMBRA, you must attach a signed and dated request for the waiver, explaining why a waiver would be 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 of an alien approved for a prior K visa.

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, i.e., that you were being battered or subjected to extreme cruelty by your spouse, parent, or adult child at the time you committed your violent offense(s), you were not the primary perpetrator of violence in the relationship, and:

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 plead guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime committed and your having been battered or subjected to extreme cruelty.

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

Police reports;

Court records;

News articles;

Trial transcripts.

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

8. How Do You Use This Form for Your Spouse Seeking Entry With a K-3 Visa?

This form may be used to obtain a K-3 visa for your alien spouse. Fill out the form as directed, except assume that "fiancé" or "fiancé(e)" means "spouse." Answer Questions **B.17** and **B.18** by stating "N/A." Note that filing this form is only necessary to facilitate the entry of your spouse as a **nonimmigrant**.

You must submit the documents required in **Items 1, 2** and **4** of the instructions, but may omit the documents required in **Item 3**. In addition, U.S. citizens petitioning for K-3 visas for their alien spouses must also include evidence that they have filed Form I-130, Petition for Alien Relative, on behalf of the alien spouse listed on this form, and a marriage certificate evidencing the legal marriage between the citizen and alien.

The LIFE Act requires applicants to apply for a K-3 visa in the country where their marriage to the U.S. citizen petitioner occurred. Petitioners should make sure to identify the appropriate consulate, in the same country where they married the alien for whom they are petitioning, in **Block 20** to avoid lengthy delays. In the event the petitioner and alien were married in the United States, they should list the country of the alien's current residence. See U.S. Department of State regulations at 21 CFR 41.81.

9. Mandatory Tracking of Multiple Petitions and Dissemination of Information Pamphlet.

The International Marriage Broker Regulation Act 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 the same 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. When a subsequent petition for a K-1 or K-3 visa petition has been filed less than ten 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. USCIS will also send the beneficiary a pamphlet containing information on legal rights and resources for immigrant victims of domestic violence.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File.

Before you file Form I-129F for your K-3 spouse or K-1 fiancé(e) please note the different filing addresses. Failure to follow these instructions may result in your application or petition being rejected, delayed or denied.

A. Form I-129F Filing Locations for K-1 Fiancé(e)

If you live in the United States:

File Form I-129F at the service center listed below based on where you live.

If you are filing abroad:

File Form I-129F with the service center listed below based on the last place you lived in the United States.

NOTE: Your petition cannot be adjudicated at a USCIS office abroad.

California Service Center Filings

File Form I-129F with the California Service Center if you live in:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

Mail your Form I-129F package to:

USCIS
California Service Center
P.O. Box 10130
Laguna Niguel, CA 92607-0130

Vermont Service Center Filings

File form I-129F with the Vermont Service Center if you live in:

Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia.

Mail your Form I-129F package to:

USCIS
Vermont Service Center
Attn: I-129F
75 Lower Welden Street
St. Albans, VT 05479-0001

B. Form I-129F Filing Locations for K-3 Spouse

If you are filing an I-129F petition for your spouse, mail your petition to the Service Center where the underlying I-130 petition is currently pending. Use the address listed on your most recent receipt notice or transfer notice and include a copy of that notice with your Form I-129F.

Questions Regarding Form I-129F

For additional information about Form I-129F, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov.**

What Is the Filing Fee.

The filing fee for a Form I-129F is **$455.00.**

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**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.
   - **C.** If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

   NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

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

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

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

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

Your alien fiancé(e) may apply for conditional permanent resident status after you have entered into a valid marriage to each other within 90 days of your fiancé(e)'s entry into the United States. Your alien spouse should then apply promptly to USCIS for adjustment of status to conditional permanent resident, using Form I-485, Application to Register or Adjust Status.

How Does Your Spouse Become a Permanent Resident Without Conditions?

Both you and your conditional permanent resident spouse are required to file a petition, 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.

The rights, privileges, responsibilities and duties that apply to all other permanent residents apply equally to a conditional permanent resident to file petitions on behalf of qualifying relatives, or to reside permanently 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 residence status and initiation of removal proceedings.

What Are the Penalties for Marriage Fraud or Giving False Information?

Title 18, United States Code, Section 100 states that whoever willfully and knowingly falsifies a material fact, makes a false statement or makes use of a false document will be fined up to $10,000 or imprisoned up to five years, or both.

Title 8, United States Code, Section 1325 states that any person who knowingly enters into a marriage contract for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than five years or fined not more than $250,000, or both.

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

Initial processing. Once a Form I-129F has been accepted, it will be checked for completness, 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. The decision on a Form I-129F involves a determination of whether you have established eligiblity for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. 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 this Form I-129F, we will deny the 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.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-129F.

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, 30 minutes per response, including the time for reviewing instructions, 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 Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0001. **Do not mail your application to this address.**