# Legal Briefs

From the Fort Knox Legal Assistance Office


## Fiancé Visas

**Background**

If your fiancé is not a citizen of the United States and you plan to get married in the United States, then you must file a petition with USCIS on behalf of your fiancé. After the petition is approved, your fiancé will obtain a K1 visa issued at a U.S. Embassy or consulate abroad. The marriage must take place within 90 days of your fiancé entering the United States. (*Note:* Your fiancé may enter the United States only one time with a fiancé visa. If your fiancé leaves the country before you are married, your fiancé may not be allowed back into the United States without a new visa.)

The visa allows your fiancé to enter the United States only for the purpose of marriage. If the marriage does not take place within 90 days or your fiancé marries someone other than you (the U.S. citizen filing Form I-129F), your fiancé will be required to leave the United States. Until the marriage takes place, your fiancé is considered a nonimmigrant. A nonimmigrant is a foreign national seeking to temporarily enter the United States for a specific purpose. A fiancé may not obtain an extension of the 90-day original nonimmigrant admission. If your fiancé intends to live and work permanently in the United States, your fiancé must apply to become a permanent resident after your marriage. (If your fiancé does not intend to become a permanent resident after your marriage, your fiancé/new spouse must leave the country within the 90-day original nonimmigrant admission.) Once your fiancé has married you within the 90-day time limit, she is then eligible to adjust her status to permanent resident status or obtain a green-card as it is commonly known.

**Permanent residents and Conditional Status**

A permanent resident is given the privilege of living and working in the United States permanently. Your permanent residence status will be *conditional* if it is based on a marriage that was less than two years old *on the day* you were given permanent residence. Your permanent resident status is conditional because you must prove that you did not get married to evade the immigration laws of the United States.

You and your spouse must apply together to remove the conditions on your residence. You must apply during the 90 days before your second anniversary as a conditional resident. The expiration date on your alien registration card (green card) is also the date of your second anniversary as a conditional resident. If you do not apply to remove the conditions in time, you will lose your conditional resident status as a matter of law and may be removed from the country. If you are no longer married to your spouse, or if you have been battered or abused by your spouse, you can apply to waive the joint filing requirement. In such cases, you may apply to remove the conditions on your permanent residence any time after you become a conditional resident, but before you are removed from the country.

If you fail to properly file the Form I-751 (Petition to Remove the Conditions on Residence) within the 90-day period before your second anniversary as a conditional resident, your conditional resident status will automatically be terminated and the USCIS will order removal proceedings against you. You will receive a notice from the USCIS telling you that you have failed to remove the conditions.

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If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.