

Warning: Pitfalls of Petitions For Alien Fiancé(e)

Petitions for alien fiancé are designed to help couples to be united while completing processing for permanent resident status in the United States. However many people have fallen into the trap of trying to use it as shortcut to getting into the United States for their Spouses without going about it the right way.

Unfortunately, a K1 visa is one of the visas from which it is almost impossible to switch to another form of immigrant visa. It provides fewer protections than other forms of immigrant visas. If the marriage does not take place within the 90 days, the alien fiancé must leave the country or risk a violation of his or status and becoming inadmissible to United States.

Very often, people get advice to file a K1 visa instead of the 1-130 petition for a spouse even when they are legally married and then maybe a K3 to facilitate an earlier entry because of a perception that it will be processed faster. However, this unfortunately puts the spouses into a position of falsifying information on the application and lying to the consular officer during the interview process.

In situations where this deception is not discovered during the processing time and it is granted, the legitimate spouse who comes into the country on the fiancé visa is put in the position of having to go through another marriage in the United States or disclosing that he or she made a misrepresentation or committed fraud during the application process which may preclude him or her from getting a green card.

In addition, very often USCIS conducts reviews of applications that were previously granted and may choose to revoke a green card if it is found out that status was obtained through fraud or misrepresentation. Before applying for any visa or immigrant petition, you should always consult with a legal representative that is licensed to practice in the United States who specializes in Immigration Law.