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## PRACTICE AREAS

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Permanent Residence for Family  
Within U.S.

Naturalization / Citizenship

### AMNESTY

## State Department Streamlines K-3 Visa Process

4/5/2010

Article provided by The Shapiro Law Group

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The Department of State has changed its K-3 spousal visa application procedures, hoping to streamline and speed the process for applicants.

The K-3 visa was originally meant to provide a way for the foreign spouse of a U.S. citizen to come to the United States as a nonimmigrant while waiting for a decision on their permanent residence application. The K-3 visa also enables foreign nationals to get authorization for employment while they're waiting for residence approval. The problem is that the K-3 approval process has become as slow as the permanent resident approval process.

Speeding up the process?

Because the two applications have been taking about the same amount of time to process, the State Department has changed the procedure in an effort to reduce its workload and thereby speed up the approval process. When both the I-130 (for the immigrant visa) and I-129F (for the K-3 visa) have both been approved and sent to the National Visa Center at the same time, the State Department will itself close the I-129F petition.

According to the Department of State, there's no need for a K-3 visa when the I-130 petition has been approved. At this point, the foreign spouse is entitled to immediately apply for a green card.

The State Department hopes this will eliminate the sometimes confusing choice people were forced to make between a K-3 visa and a green card.

Exception to the new rule

It's important to understand that this new process only applies when the National Visa Center receives both the approved I-129F and I-130 petitions at the same time. If it receives only the I-129F application, they will proceed with the usual K-3 process by sending the approved



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K-3 petition for processing at the U.S. consulate in the country where the marriage took place.

Streamlined but still confusing?

For many people, the new process is as difficult to understand as the previous procedure. An immigration lawyer can help you understand which visa application process is most likely to benefit you and your family.