

## *I'm a gay U.S. citizen, can I request a fiance visa for my boyfriend?*

Congratulations on your engagement! Under the recent Supreme Court ruling on DOMA, you can now petition for a fiance visa, or K-1 visa, allowing for your boyfriend to enter the U.S. in order to marry you.

If your boyfriend is not already present in the U.S., the fiancé visa is the only appropriate visa for him to use to enter the U.S. for your marriage. In fact, if you are like many same sex couples, the fiancé visa may be your only option for marriage even now that DOMA has been struck down, especially if your boyfriend's country does not allow same sex marriage.

Before we look at the requirements of the K-1 visa, it's important to understand that a fiancé visa is not guaranteed. You must actually petition for the visa – meaning, you have to ask permission to bring your fiancé to the United States and then provide evidence to prove that you are, in fact, engaged and in love. Then – and only then – will your fiancé be allowed to legally enter the United States and stay with you for good.

Because you will be asked to provide evidence of your relationship, before you complete the petition, you should make sure that you meet the requirements for a K-1 visa. To be eligible for the K-1 fiancé(e) visa, you must show that:

- You (the petitioner) are a U.S. citizen;
- You intend to marry within 90 days of your fiancé(e) entering the United States;
- You and your fiancé(e) are both free to marry and any previous marriages must have been legally terminated by divorce, death, or annulment; and
- You met each other, in person, at least once within 2 years of filing your petition. There are two exceptions that require a waiver:
  - 1. If the requirement to meet would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice.
  - 2. If you prove that the requirement to meet would result in extreme hardship to you.

### **How Long Does the Fiance Visa Process Take?**

It is important to understand that the process takes time. Although the length of time for the process varies from case to case, the average fiancé visa will take from 6 to 12 months. Once your fiancé arrives in the U.S., you have 90 days to marry. As soon as you marry, your spouse may apply for permanent residence through the adjustment of status process. If you do not marry, your fiance must return home.