



Siam Legal International Details US Visa in Thailand Rules for Divorced Sponsors of Thai Partners

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Siam Legal International, a law firm with more than 22 years of experience advising Thai and foreign clients, clarifies how a prior marriage affects US citizens sponsoring a Thai fiancé(e) or spouse for a K-1, CR-1, or IR-1 visa. A prior divorce does not disqualify a US citizen from filing, but any earlier marriage, whether the petitioner's or the Thai partner's, must have legally ended and must be proven with the correct documents.

US immigration law does not cap how many times a person can marry and sets no waiting period after a divorce before a new petition can be filed. A K-1 visa requires the couple to marry within 90 days of arrival in the United States. The central requirement is that both partners are "legally free to marry," meaning no earlier marriage remains legally in force.

US immigration law recognizes only three ways a marriage ends: a final divorce, an annulment, or the death of the former spouse. A separation, an informal split, or a divorce still pending in court does not count. For a K-1 visa, USCIS assesses whether the petitioner was free to marry on the day Form I-129F was filed, and a petition filed while a divorce is still pending will be denied. For a CR-1 or IR-1 visa, the test applies to the wedding itself, since a marriage entered into before an earlier divorce is final is not valid.

Thai divorces follow a different process from US divorces, and the supporting evidence differs as a result. A divorce by mutual consent is registered at the Amphur, the local district office, which issues the Kor Ror 6 divorce registration record and the Kor Ror 7 divorce certificate. A contested divorce requires a Thai court judgment and confirmation that it is final. A Thai partner who separated from a former spouse but never registered a divorce remains married under US immigration law.

For a divorce finalized in the United States, the expected evidence is the signed final divorce decree or a certified copy issued by the court clerk, as a draft or temporary order is not sufficient. Certified English translations are required, and Form I-129F and Form I-130 both require every prior marriage to be listed with exact dates that match the supporting documents.

Prior fiance(e) petitions can also affect a new filing. Under the International Marriage Broker Regulation Act, a K-1 petitioner who has filed two or more earlier K-1 petitions, or who had a K-1 petition approved less than two years before the new filing date, must request a waiver from USCIS. These limits apply only to K-1 petitions and do not apply to a Form I-130 filed for a spouse.

For sponsors who previously brought a foreign spouse to the United States, the Form I-864 Affidavit of Support does not end with divorce. The obligation continues until the sponsored person becomes a US citizen, earns credit for 40 qualifying quarters of work, permanently leaves the United States and gives up their green card, or passes away. A former spouse who remains under that obligation is counted in the household size on a new Form I-864, which can raise the income requirement for the Thai partner.

Rex Baay, Senior Immigration Consultant and Operations Manager at Siam Legal International, said most problems in these cases stem from documents rather than eligibility. "A previous divorce is rarely the obstacle, but a missing final decree, an unregistered Thai separation, or mismatched dates on the forms can stop a case," said Baay. "Reviewing divorce records, prior petitions, and earlier support obligations before filing allows these issues to be resolved before USCIS or the embassy sees them."

The guidance follows the end of the immigrant visa pause that affected Thai CR-1 and IR-1 applicants. Thailand was among 75 countries affected when the State Department paused immigrant visa issuance on January 21, 2026, and the pause ended on August 21, 2026 under a federal court order. The K-1, a nonimmigrant visa, was not part of the pause. Siam Legal International previously reported on broader changes to the US visa in Thailand process affecting Thai nationals in 2026.

Siam Legal International is a Thailand-based law firm with more than 22 years of experience representing

Thai and foreign clients in criminal defense, litigation, family law, corporate and commercial law, property, and immigration matters, with offices in Bangkok, Chiang Mai, Phuket, and Pattaya.

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