



## U.S. Citizenship and Immigration Services

# USCIS Strengthens Guidance on Spousal Petitions Involving Minors

### *Guidance Clarifies Agency Requirements for Petition*

**WASHINGTON** — U.S. Citizenship and Immigration Services (USCIS) announced today that it is publishing guidance for its officers to consider when adjudicating spousal petitions involving minors.

The guidance, published as an [update \(PDF, 210 KB\)](#) to the USCIS Adjudicator’s Field Manual (AFM), clarifies age requirements for a petitioner filing an [Affidavit of Support](#) for a spouse in conjunction with a concurrently filed I-485, and identifies factors officers should consider when adjudicating a [Form I-130](#) spousal petition involving a minor.

“USCIS is taking action to the maximum extent permitted under current immigration law to highlight special considerations in the adjudication of marriage-based immigrant petitions involving a minor,” said USCIS Director L. Francis Cissna. “Our updated guidance complements the flagging system USCIS created to identify minor spouses. While these are steps in the right direction, ultimately it is up to Congress to bring more certainty and legal clarity to this process for both petitioners and USCIS officers.”

While there are no statutory age requirements to petition for a spouse or be sponsored as a spousal beneficiary, USCIS will consider whether the age of the beneficiary or petitioner at the time the marriage was celebrated violates the law of the place of celebration and is recognized as valid or violates the public policy of the state where the couple resides or plans to reside. In some U.S. states and in some foreign countries, marriage involving a minor might be permitted under certain circumstances, including where there is parental consent, a judicial order, emancipation of the minor, or pregnancy of the minor.

The updated guidance stresses to adjudicators that marriages involving a minor warrant special attention. When considering a petition, USCIS officers should ensure that:

- The marriage was lawful in the place it was celebrated;
- If the couple resides outside the place of celebration, the marriage is recognized as valid in the U.S. state where the couple currently resides or will presumably reside and does not violate the state of residence’s public policy, and;
- The marriage is bona fide, and the minor(s) provided full, free, and informed consent to enter into the marriage.

This AFM update is part of a continuing effort by USCIS to ensure that our policies and processes remain current and are in keeping with existing immigration law.

Prior to this AFM update, USCIS created a flagging system that sends an alert in the electronic system at the time of filing if a minor spouse or fiancé is detected. After the initial flag, the petition is sent to a special unit that verifies that the age and relationship listed are correct before the petition is accepted. If the age or classification on the petition is incorrect, the petition will be returned to the petitioner for correction.

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