



February 15, 2019

AFM PA-2019-01

## Policy Alert (AFM)

**SUBJECT:** Marriage Involving Minor(s)

### **Purpose**

U.S. Citizenship and Immigration Services (USCIS) is updating the Adjudicator's Field Manual (AFM) to revise Chapter 21.3(a)(1)(A), Concurrent Filing of Form I-130 and Form I-485, and add Chapter 21.3(a)(2)(D), Marriage Involving Minor(s). These updates provide guidance for the adjudication of Form I-130 spousal petitions involving minor(s).

### **Background**

The Immigration and Nationality Act<sup>1</sup> does not set any minimum age requirements for the petitioner or beneficiary of a Form I-130 spousal petition. The legality of a marriage is generally governed by the law of the jurisdiction where the marriage was celebrated. However, a marriage that is valid in the place of celebration might not be recognized for immigration purposes if it offends the strong public policy of the United States or the state of residence.

These AFM updates highlight the factors officers should consider when adjudicating a Form I-130 spousal petition that involves a minor at the time the marriage was celebrated. This guidance is controlling and supersedes any prior guidance on the topic.

### **Policy Highlights**

- Clarifies that officers should evaluate the laws of the state of residence to ensure that the marriage is recognized as valid in the U.S. state where the couple resides or will presumably reside and does not violate the public policy of that state.
- Clarifies that marriages that occur without the full, free, and informed consent of either or both parties to the marriage are not considered bona fide for immigration purposes.
- Reiterates that the petitioning sponsor who executes the Form I-864, Affidavit of Support Under Section 213A of the INA, must be at least 18 years of age.

### **Citation**

[AFM Chapter 21.3, Petition for a Spouse](#)

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<sup>1</sup> See Pub. L. 82-414 , 66 Stat. 163 (June 27, 1952), as amended.