



April 12, 2019

AFM PA-2019-02

## 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 add Chapter 21.3(a)(2)(D)(iv), Interview Guidelines for Form I-130 Spousal Petitions Involving a Minor, and to update Chapter 21.3(a)(2)(I), Interviewing Petitioner and Spouse, to incorporate additional guidance on 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. However, USCIS recently published guidance highlighting factors for officers to consider when evaluating I-130 spousal petitions involving a minor. These factors include the legality of the marriage in the place it was celebrated, the validity of the marriage in the couple's current or presumed state of residence, public policy considerations, and the bona fides of the spousal relationship for immigration purposes.

Couples seeking immigration benefits based on an I-130 spousal petition are generally evaluated with an in person interview during the adjustment of status process (Form I-485, Application to Register Permanent Residence or Adjust Status) or the Immigrant Visa process with the U.S. Department of State. However, in recognition of the vulnerabilities associated with marriages involving minors, USCIS is taking additional steps to evaluate certain Form I-130 spousal petitions involving minors by interviewing the petitioner and/or the beneficiary earlier in the immigration process. Interviews provide USCIS with the opportunity to verify information contained in the petition as well as the opportunity to assess the eligibility of the claimed spousal relationship. Effective immediately, officers will refer the following Form I-130 spousal petitions for interview as part of the adjudication of the Form I-130 petition:

1. Any Form I-130 spousal petition where the petitioner or the beneficiary is less than 16 years old; and
2. Any Form I-130 spousal petition where the petitioner or the beneficiary is at least 16 or 17 years of age and there are 10 years or more difference between the ages of the spouses.

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

### **Policy Highlights**

- Reiterates that USCIS has the authority to interview any applicant, petitioner, sponsor, beneficiary, or individual filing a benefit request before the agency.
- Clarifies criteria for referring certain Form I-130 spousal petitions involving a minor for interview.
- Reiterates considerations for interviews involving a minor.

### **Citation**

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