



# OFFICE OF THE STAFF JUDGE ADVOCATE 501 COMBAT SUPPORT WING RAF ALCONBURY / RAF CROUGHTON, UK



## MARRIAGE TO A FOREIGN NATIONAL

### Introduction

A foreign national is any person who is not a citizen of the United States. Deciding whether to marry a foreign national is, of course, a matter of the heart. But it should be a matter of the mind as well. Marriage in an overseas command is governed by AFI 36-2609, the most recent version of which lifted the requirement to obtain a commander's approval. However, all unit commanders are required to ensure that their members are counseled on the considerations for marrying a foreign national.

### Important Information to Consider

There are multiple factors to consider in the decision to marry a foreign national. Many of these are listed in Attachment 2 of AFI 36-2609, but some of the highlights include that marriage by itself is not grounds for extension of an Airman's DEROS. **Travel to and from the place of marriage is the servicemember's responsibility.**

**Marriage alone is not sufficient to ensure a foreign national spouse will be admitted to the United States at the end of your tour.** Federal law provides that foreign nationals may be determined to be ineligible for admittance to the United States because of certain physical or mental disorders, conviction of offenses, membership in certain political parties, or because they are likely to go on welfare programs. *See* 8 U.S.C. § 1182. You will want to carefully check whether your spouse will likely be able to accompany you to future assignments in the United States before getting married. Family separation can cause serious strains upon a marital relationship.

**You should also be aware of the impact that marrying a foreign national may have on your military career.** An adverse effect on a servicemember's career can often result from marriage to a foreign national when the servicemember occupies a sensitive position requiring access to classified defense information or cryptographic matter. This aspect should be closely examined through consultation with the Unit Commander or Security Manager. You will need to provide advance written notification within to the servicing security office when you decide to marry or cohabit and have an SCI.

In short, before you are engaged or married to a foreign national, please review AFI 36-2609 in its entirety for full appreciation of the implications and obligations attendant to such a marriage.

## **Local Laws**

After you have complied with AFI 36-2609, you must comply with English law. Please note, though, that there are different regulations for marriage in Scotland, Northern Ireland or Eire (Southern Ireland). English law requires that you give notice of your intended marriage at the Register Office serving the local region of where you live, even if you intend to get married in a different area. You must give notice at least 29 days before your ceremony and get married within a year once notice has been given. The notice period can be extended to 70 days if one party is from an area outside the UK, if they have limited or no immigration status in the UK, or if you don't give the registrar enough evidence to show you are settled in the UK.

You will need to make an appointment to file your notice in your district's Register Office. The documents you need to provide are:

1. **Proof of name and age** to establish your partner is over 18 years of age
  - Passport
  - Birth Certificate
  
2. **Proof of residence.** This is required to show that you and your partner has resided in the district for the required period of 7 days. They will request two forms of:
  - Utility bill
  - Driving license
  - Council tax bill
  - Bank statement
  - Current tenancy agreement
  - Letter from your landlord confirming the parties live at the address. The letter must include your landlord's name, address and their signature dated within the last 7 days.
  
3. **Proof of nationality**
  - Passport
  - ID Card
  
4. **Proof of condition.** This will provide proof of the past marriage status(es) of your partner. If your partner's previous marriage ended in divorce, please provide a Decree Absolute to verify the divorce. If your partner's previous marriage ended in the death of a partner, please provide the Death Certificate and the Marriage Certificate. If it is a foreign decree (i.e., not a British decree), it must be sent to the Central Registrar's Office for certification. Once the central office processes the foreign decree and the results are returned to the local registrar, the registrar can issue the license or certificate. The registrars suggest having the foreign decree checked in advance and that you take the processed copy to the registrar.

5. **Immigration Status.** You must apply for a visa to get married in the UK if you:

- are not a British or Irish citizen
- do not have indefinite leave to remain in the UK
- do not have settled or pre-settled status under the EU Settlement Scheme
- did not apply to the EU Settlement Scheme on or before 30 June 2021

The visa or permit you need depends on where your partner is from and whether you want to live in the UK after your ceremony.

You can apply for:

- a marriage visitor visa if you're not going to live in the UK and will stay less than 6 months
- a family visa to live permanently in the UK if your partner is a British citizen, settled in the UK, has refugee status or humanitarian protection in the UK
- a family permit to join your family member from the EU, EEA or Switzerland in the UK

The following people are exempt from immigration control:

- USAF and their dependents stationed in this country
- Diplomats
- Members of British Armed Forces from a NATO or commonwealth country serving in British Armed Forces

The following requirements apply to USAF members.

- Military ID Card
- Valid set of orders. If expired, please provide evidence of DEROS. The orders are particularly important as they prove that the service person is stationed in our district and therefore not subject to immigration control.
- Recall roster or letter from Commander to confirm their building and room number. A box does not prove that they actually reside in the district.

Please note that only original documents or certified copies of documents will be accepted. Photocopies will NOT be accepted. It is not acceptable by UK authorities for the legal office on base to certify these documents for the purposes of marriage.

### **Costs**

A Notice of Marriage is £35.00 per person. The marriage can take place 28 days after purchase.

The cost of a ceremony within an approved premises will vary. The Home Office has a list of all approved marriage and civil partnership venues.

<https://www.gov.uk/government/publications/civil-marriages-and-partnerships-approved-premises-list>

## **Civil Ceremony**

Civil ceremonies are non-religious ceremonies that can only take place at a registry office or a venue approved by the local council—for example, a hotel or stately home. During the ceremony, you must exchange vows: these are set declaratory and contracting words which are the minimum requirement for a legal wedding.

A civil ceremony also requires two witnesses sign the marriage register along with the couple getting married and the person who conducted the ceremony. Civil ceremonies can include readings and songs, but cannot include any religious content such as a reading from the Bible.

A registrar must either conduct or be present at the ceremony to make it legal. The cost of this is from £46 at a register office, plus an £11 charge for your marriage license.

The cost of hiring a registrar to attend an approved venue (like a licensed hotel) is usually £400+, which doesn't include the room hire fee at the venue. Check your local council website to find out the registrar's fees.

## **Religious Ceremony**

Religious weddings are ceremonies that take place within registered religious buildings (although Jewish weddings can take place anywhere as long as they are under a Chuppah). Marriages are solemnized by saying a prescribed form of words, and may also include declarations and rite specific to your religion. Whether your wedding is legal depends on the officiant who performs your wedding.

Every marriage needs to be registered and this should be done straight after your ceremony. Vicars, ministers and priests in certain denominations, e.g., like Anglican, Quaker and Jewish leaders, are automatically authorized to register marriages and this will be done immediately during or after your ceremony by signing a marriage license.

For other religions, the person performing the ceremony will either need to be licensed to register marriages or you'll need a civil registrar present too to register the marriage. For example, an Islamic nikah ceremony is not a legal ceremony under UK law and the couple will need to have a further civil ceremony or have a registrar present. Speak to your religious leader about what is needed.

A registrar will cost £86 to attend a registered religious building.

*Note there are other differences that will determine whether you can have a religious wedding. All religions will marry opposite-sex couples but not all will marry same-sex couples. Some denominations will allow divorcees to remarry, while others will not. It is vital you find this out in advance.*

## **Bringing Your Spouse to the United States**

In order to bring your spouse to the United States for an indefinite period of time (such as after a PCS to a new assignment), you will need to obtain a visa. The first step is to file a Petition for Alien Relative, Form I-130 with the US Citizenship and Immigration Services. Instructions for this process may be found at the USCIS website: <https://www.uscis.gov/i-130>.

After the petition is approved by USCIS, it will be sent to the National Visa Center (NVC). The NVC assigns a case number and will direct you further. Once the NVC determines the file is complete, it will schedule an interview appointment. After the interview, your spouse will also need to undergo a medical examination and vaccinations to ensure they are medically fit for admission into the United States. Upon successful passage through all these requirements a conditional visa may be issued. The conditional visa may later be converted into a permanent visa for your spouse.

For other questions, feel free to stop by the legal office to set up an appointment with an attorney. Remember to check our other office handout on Immigration and Naturalization.

## **Resources**

AFI 36-2609, *Marriage in Overseas Commands*, 9 October 2018—[https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-2609/afi36-2609.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2609/afi36-2609.pdf)  
<https://www.gov.uk/marriages-civil-partnerships/plan-your-ceremony>  
<https://www.uscis.gov/i-130>

## **Conclusion**

If you are contemplating marrying a foreign national, please consider the above. If you have any further questions or require assistance, contact the legal office to speak with a legal assistance attorney.

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### **RAF Alconbury and RAF Croughton Legal Office Hours**

All Services by Appointment Only (email [501cswja@us.af.mil](mailto:501cswja@us.af.mil))

*Tuesdays and Thursdays 1000-1200 & 1300-1400*

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Current as of June 2022