

Marriage-Based Family Reunification for LGBTQ Couples

Practice Advisory - July 2024

This practice advisory¹ provides legal background and practice tips for legal advocates representing LGBTQ couples with marriage-based family reunification to the United States.² The advisory covers the legal requirements for valid and bona fide marriages, evidentiary requirements, and other challenges for LGBTQ couples. It incorporates significant developments of the last several years that impact LGBTQ couples, including the reintroduction and expansion of an informal marriage exception for refugees and asylees, the use of virtual proxy marriages, and changes to standards impacting some parents reuniting with children. We conclude with two practitioner tools: a [chart](#) listing common and alternative reunification pathways and [annotated template declarations](#). We intend for advocates to use this advisory as a supplement to general marriage or family reunification guides such as [IRAP's Practice Guide on U.S. Immigration Law and Marriages Abroad](#) or other family reunification guides.³

Table of Contents:

1. U.S. Immigration Law Requirements and Marriages of LGBTQ Couples
 - a. Marriage Validity
 - b. Refugee and Asylee Informal Marriages
 - c. Marriage Bona Fides
 - d. Documenting Marriages Between LGBTQ Couples
2. Other Challenges in Family Reunification for LGBTQ Couples
 - a. Challenges for Transgender Individuals
 - b. Expedited Processing and Interview Transfers
 - c. Reunifying with Children
3. Chart on Common and Alternative U.S. Immigration Pathways to Reunify
4. Annotated Template Declarations

¹ This Practice Advisory is intended for legal practitioners and to provide legal information only, not legal advice.

² In this advisory, for the purposes of space we use the term LGBTQ (lesbian, gay, bisexual, transgender, and queer) to refer to people with diverse sexual or gender identities, including, gay, lesbian, bisexual, transgender, queer, intersex, asexual, non-binary, and gender non-conforming people.

³ Other helpful family-reunification guides include [ILRC's Families & Immigration: A Practical Guide](#), and their excellent advisory focused on assisting LGBTQ couples, [Family-Based Petitions for LGBTQ Couples: Considerations When Documenting a Bona Fide Marriage](#), [AILA's Immigration Law & the Family](#), and [CLINIC's I-730 Refugee/Asylee Family Reunification Practice Manual](#) and [Resources on Family-Based Immigration Law](#). We also recommend the recently released practice advisory by [ACACIA, RMIAN, and Benach Collopy on Gender-Affirming Language in Immigration Court](#).

1. U.S. Immigration Law Requirements and Marriages of LGBTQ Couples

For a marriage to be recognized for U.S. immigration purposes, it generally must be: 1) valid in the place of celebration, meaning lawful where it occurred, and 2) bona fide, meaning it was not entered into for the purpose of evading U.S. immigration laws.⁴ Below, we discuss legal requirements, considerations, and resources for representing LGBTQ couples.

a. Marriage Validity

Marriage validity generally involves looking at the law of where a marriage occurred, also known as the “place of celebration.”⁵ Within the U.S., couples can marry without limitation to gender or sexual orientation.⁶ Transgender individuals in different-sex marriages are no longer subjected to any special requirements or conditions in order to prove that their marriage is in fact a “heterosexual” marriage.⁷ This is also applicable to non-binary individuals.

Outside of the U.S., practitioners must research the marriage laws where the marriage took place in order to assess its validity for immigration purposes. While the first resource should be the [State Department’s reciprocity schedule](#) because the U.S. government will also look there first, particularly for what documents are considered primary evidence of a marriage, the reciprocity schedule does not always address laws regarding marriages of same-sex couples. Additional resources for practitioners representing LGBTQ couples are:

- [HRC Marriage Equality Around the World Resource](#)
- [ILGA database](#) (“A unique knowledge base on laws, human rights bodies, advocacy opportunities, and news related to sexual orientation, gender identity and expression, and sex characteristics issues worldwide.”)
- [AMERA Rights in Exile Sexual Orientation and Gender Identity Country List](#)
- [USCIS Quick Reference Guide - Country-Specific Marriage List](#) (2018)

When considering the law of the “place of celebration” it is important to distinguish between “common law” *marriages* and civil unions and domestic partnerships. Common

⁴ For more information on the legal requirements of marriages generally, see [IRAP’s Practice Guide, U.S. Immigration Law and Marriages Abroad](#) (hereinafter “IRAP Marriage Practice Guide”), Section B, pp 1-24 (covering legal basis of marriage validity and bona fides requirements).

⁵ See [USCIS Policy Manual, Vol. 12, Part G, Chapter 2](#) (“In general, the legal validity of a marriage is determined by the law of the place where the marriage was celebrated (“place-of-celebration rule”).”). For exceptions to the place of celebration rule where marriages may be void due to the strong public policy of the state of residence or intended residence, such as certain polygamous marriages, close relative marriages, and marriages of minors, see [IRAP Marriage Practice Guide](#) Section B.1, pp 1-21.

⁶ [Obergefell v. Hodges](#), 576 U.S. 644 (2015).

⁷ [USCIS Policy Memorandum, “Adjudication of Immigration Benefits for Transgender Individuals: Addition of Adjudicator’s Field Manual \(AFM\) Subchapter 10.22 and Revisions to AFM Subchapter 21.3 \(AFM Update AD2-02\).”](#) April 13, 2012.

law marriages *are* marriages, so if LGBTQ couples resided together in a country that allows both common-law marriage and marriages for same-sex couples, LGBTQ couples may be able to meet the legal requirements for a common-law marriage and be considered valid for immigration purposes. The State Department has published various requirements for recognizing common law marriages as valid in the Foreign Affairs Manual,⁸ and practitioners should review this guide’s best practices for documenting a relationship in order to submit enough evidence to show that the couple meets the common-law marriage requirements of the local jurisdiction (such as a certain length of relationship, etc.).

In contrast, civil unions, domestic partnerships, or other such relationships that are *not* recognized as marriages in the place of celebration are not recognized as valid marriages under U.S. immigration law.⁹ However, documentation from civil unions or domestic partnerships may serve as evidence of a relationship if a couple is applying for a reunification pathway that does not require a legally valid marriage, such as refugees or asylees applying based on an informal marriage exception (see below) or applicants for humanitarian parole.

Several U.S. states allow for proxy marriages, and some LGBTQ couples have married through marriages in Utah, which permits virtual ceremonies where the officiant is in Utah but both other parties attend remotely.¹⁰ Where one of the parties is not physically present, U.S. immigration law only recognizes a proxy marriage if the marriage was subsequently consummated.¹¹ As such, to establish that a marriage has been consummated, couples will need to provide evidence that they have been physically together at some point after the marriage ceremony.¹² This is a relatively new development and USCIS and DOS have not issued guidance related to virtual proxy marriages. However, for LGBTQ couples where it is impossible to travel to a location where marriage for same-sex couples is lawful, but where the couple is together or it *is* possible to travel to be together, this type of proxy marriage may be a viable option.

⁸ [U.S. Department of State Foreign Affairs Manual \(hereinafter “DOS FAM”\), 9 FAM 102.8-1\(F\)](#) (noting that a common law marriage must be “fully equivalent in every respect to a traditional marriage” including that it can only be terminated by divorce or death, includes a potential right to alimony, intestate distribution of an estate, and a right to custody over children).

⁹ See [USCIS Policy Manual, Vol. 12, Part G, Chapter 2](#) (noting that USCIS does not recognize “Civil unions, domestic partnerships, or other such relationships not recognized as marriages in the place of celebration”).

¹⁰ See Valeriya Safronova, [N.Y. Times, Utah Is a Destination Wedding Hot Spot, No Travel Required](#), Sept. 21, 2021. Practitioners should be aware that Utah law and policies govern these marriages and requirements may change. See Jessica Levey, [American Marriage Ministries American Marriages Blog, Updates to Utah’s Virtual Marriage Laws Are in Effect This Month](#), May 9, 2024. As of the date of publication, USCIS and DOS have not issued any guidance concerning virtual ceremony proxy marriages in Utah.

¹¹ [INA 101\(a\)\(35\)](#).

¹² [USCIS, Adjudicator’s Field Manual, Chapter 21](#), 21.3(a)(2)(A) (“Consummation of a marriage can only occur after the ceremony, there is no such thing as “preconsummation” of a marriage.”).

NOTE TO PRACTITIONERS — Prior “Opposite-Sex” Marriages

If either spouse was previously married, evidence of termination of the prior marriage is required in order to show that both spouses were free to marry and for the marriage to be valid. For LGBTQ couples, it is important for practitioners to be aware that U.S. adjudicators may also scrutinize “opposite”-sex prior marriages while assessing the bona fides of the current marriage. It might be particularly useful to document the terms of the termination of the previous marriage and prepare clients to speak openly about the past relationship in consular or adjustment interviews. For example, some LGBTQ individuals are pressured into marrying an “opposite”-sex individual or may decide to marry an opposite-sex individual to “cover” or hide their sexual orientation. You should prepare your client to discuss any such situations.

b. Refugee and Asylee Informal Marriages

Refugees and asylees who are informally married to their spouse and therefore cannot meet the general “place-of-celebration” rule for a traditional marriage can nonetheless have their informal marriage recognized for the purpose of certain refugee and asylee adjudication and family reunification processes. In February 2022, USCIS issued a revised memorandum regarding its policy on informal marriages (or “camp” marriages).¹³ Through this memo, RAIO returned to its previous interpretation that spousal relationships can exist for the “purpose of obtaining derivative refugee and/ or asylee status” when there is evidence of an informal marriage and expanded the circumstances when a marriage would be recognized to include instances where marriages were not recognized due to “restrictive laws or practices in their country of origin or country of first asylum.”¹⁴ In other words, in cases where LGBTQ refugees or asylees could not legally marry but were otherwise in a marital relationship before one spouse fled or was resettled, their marriage can still be recognized as valid for immigration purposes under this policy.

President Biden’s Executive Order on rebuilding the refugee program directed DHS and DOS to consider recognizing individuals in committed life partnerships who could not marry due to “restrictions in the law or practices of their country of origin, including for individuals in same-sex... marriages.”¹⁵ While USCIS’s implementing memorandum does not specifically mention marriage for same-sex couples, the revised guidance cites the

¹³ Memorandum from Ted H. Kim, Acting Associate Director, Refugee, Asylum, and International Operations (RAIO), USCIS, to All RAIO Employees (February 14, 2022) (re: Revised Guidance on Informal (“Camp”) Marriages), hereinafter “[USCIS, 2022 USCIS Informal Marriage Guidance](#).”

¹⁴ *Id.* at 4.

¹⁵ [Executive Order 14013 of Feb 4, 2021, “Rebuilding and Enhancing Programs To Resettle Refugees and Planning for the Impact of Climate Change on Migration”](#) Sec 4(j).

Executive Order and also notes “restrictive laws and practices” and “discriminatory government policies or practices”¹⁶ as one of the circumstances that allow for an exception to the general place-of-celebration rule.

In many cases, the revised USCIS guidance on informal “camp” marriages can be relied upon to establish a valid spousal relationship for purposes of I-730, I-589, and I-590 petitions for LGBTQ couples. Asylees and refugees may have LGBTQ partners in their country of origin, yet they are unable to marry due to local laws banning marriage for same-sex couples or related restrictions imposed on transgender individuals. The revised USCIS guidance instructs RAIO officers that informal marriages may be recognized in certain circumstances, including barriers to getting married related to the applicant’s need to flee from persecution or due to oppressive laws in their country of origin that prevent them from marrying.¹⁷

Based on revised guidance, there are four key questions for the exceptions to apply:

- Is my client filing an I-589, I-590, or I-730, or did my client have an I-590 or I-730 denied based on Trump-era informal marriage policies?
- Is my client in a marriage or partnership that is not legally recognized in the place of celebration?
- Was my client unable to obtain a legal marriage because of their flight from persecution and circumstances beyond their control, or because of restrictive laws or practices in their country of origin or country of first asylum?
 - For LGBTQ couples, this will involve research into the laws and practices of the country of residence and/or former residence.
- Can my client show evidence of a marriage or partnership, such as a marriage ceremony, cohabitation, or children together?
 - If not, is it unreasonable or unsafe for the couple to have such evidence of the marriage? For instance, it would be very difficult for a lesbian couple in Afghanistan to have such proof. Does my client have other types of evidence that could substantiate the relationship, such as supporting letters or affidavits or declarations from friends or family members?¹⁸

¹⁶ [USCIS, 2022 Informal Marriage Guidance](#), p. 4, Note 11.

¹⁷ *Id.*

¹⁸ Given that few LGBTQ cases have been adjudicated under USCIS’s 2022 Informal Marriage Guidance, it is unclear what alternative types of evidence may be accepted to substantiate the marriage. For a resource when preparing declarations, please see our [annotated template declarations here](#).

NOTE TO PRACTITIONERS — Asking Clients About Long-Term Partners

Advocates should make sure that when they interview asylum and refugee applicants they ask not only about marriages (“Are you married?” “Do you have a spouse?”) but about committed long-term relationships that could qualify (“Are you in a long-term relationship?” “Do you have a partner?”). Asking broader and more inclusive questions to identify these relationships can help advocates make sure that these relationships are disclosed in initial applications. This is particularly important for advocates to be aware of because none of the relevant forms or form instructions make any reference to the informal marriage exceptions. Additionally, neither the USCIS nor DOS websites include any information regarding the informal marriage exception and its potential applicability to marriages of same-sex couples.

Hypothetical: Informal Marriages for Same-Sex Couples

Ahmet is a gay man from Turkey. He is a 29-year-old graduate student who came to the U.S. on an F1 visa. He now wants to file for asylum based on harm he fears in Turkey on account of his LGBTQ status. During the course of your representation, you learn that Ahmet is in a committed relationship with his same sex partner in Turkey. Both men are unmarried and do not have children. What questions would you ask to see whether Ahmet should include his partner as his spouse on the I-589 application under the informal marriages policy?

Analysis:

- You should first look into whether Turkey extends marriage to same-sex couples. If not, then explain the informal marriage policy to him and ask him whether he would like you to assess whether his partner could qualify as a spouse under the policy.
- If yes, you should ask for details about the nature of their relationship. Ahmet may not consider himself to be married because of the homophobic laws and stigma in his country. However, to advise them on whether it may qualify as a spousal relationship, you should understand if the couple intended to establish a life together as partners and would have

gotten married were it an option for them, or if they considered their relationship casual and non-committed.

- If the relationship appears to qualify as an informal marriage, you should gather more information in order to determine what kind of evidentiary proof is available to substantiate the relationship. For example, how long they have been together, have they co-habitated, do they have any shared assets, or is their documentation corroborating the circumstances of their relationship, such as a shared lease or bank account. Have they held themselves out to be a couple to others, even if only with a small group of friends or family members? Did they have a commitment ceremony of some sort? If they did not live together, ask them why. For instance, was it because they would have exposed themselves to potential harm by doing so? Find out from Ahmet who else knows about their relationship and whether those people would be willing to write supporting affidavits about the nature of the relationship.

Even though civil documentation of marriage might not be required when the 2022 memorandum applies, couples are still expected to provide alternative evidence of their marriage and that their relationship is bona fide, meaning it was not entered into for the sole purpose of immigration benefits. We address marriage bona fides and then documentation below.

Finally, it may be helpful for practitioners to explain to clients who successfully resettle with partners through the informal marriage exception for refugees and asylees that the couple will not necessarily be considered legally married for other purposes such as state family law and federal tax law unless they decide to legally marry.

NOTE TO PRACTITIONERS — Completing USCIS Forms

When completing information about a “spouse” of an informally married refugee or asylee on USCIS I-730, I-589, or submissions related to the I-590 (which is generally filled out by a Resettlement Support Center), we would recommend that advocates include the name of the intended spouse in the relevant fields asking about a spouse with an explanation in the Additional Information section of the form about how the couple are spouses under the informal marriage guidance. This can include how the parties consider themselves spouses but for the legal restrictions of obtaining a

NOTE TO PRACTITIONERS — Completing USCIS Forms

marriage certificate because they are an LGBTQ couple. The cover letter should also include a similar explanation in order to flag to the adjudicating officer, and practitioners can attach any additional evidence.

c. Marriage Bona Fides

In addition to showing that a marriage is legally valid (or for refugees or asylees, that an exception applies), the applicant for a marriage-based benefit must show that a marriage is “bona fide.” Having a bona fide marriage means that at the time of the marriage, the spouses intended to live in a marital relationship, not marrying for the *sole* purpose of immigration benefits.¹⁹

The burden is on the petitioner to show that the marriage was entered in good faith and not to obtain an immigration benefit. To prove a bona fide marriage the couple must show that they intended to create a life together. An LGBTQ couple must provide the same types of evidence as a heterosexual couple must to prove a bona fide marriage for immigration purposes. Because the bona fides of a marriage are usually established through evidence of the marital relationship and overlap with other evidence collection contexts, we address it below.

d. Documenting Marriages Between LGBTQ Couples

The U.S. government requires couples to provide evidence of their marital relationship in several contexts: to document the length of relationship in connection with a valid common law marriage, to provide “indicia of marriage”²⁰ for an informal marriage exception to apply, or to address whether a marriage is “bona fide.”

The U.S. government explicitly requests “primary evidence,” such as the civil document that a government would issue documenting a marriage, in the “instructions” sections of various application forms. For LGBTQ couples, obtaining a marriage certificate may be legally impossible and/or put their lives at risk. In addition, while the informal marriage exception for refugees and asylees opened the door for many LGBTQ couples, it might still be difficult for petitioners and beneficiaries to prove the indicia of marriage listed in the guidance. For

¹⁹ See [INA § 245\(e\)\(3\)](#) (allowing marriage-based immigration benefits only if the “marriage was not entered into for the purpose of procuring the alien’s admission as an immigrant and no fee or other consideration was given”); [8 CFR § 204.2\(a\)\(ii\)](#) (discussing fraudulent marriage prohibition for marriages that are not bona fide). See also [Matter of McKee](#), 17 I&N Dec. 332, 333 (BIA 1980) and [Matter of Laureano](#), 19 I&N Dec. 1 (BIA 1983) (established what constitutes a bona fide marriage).

²⁰ Indicia of marriage meaning indications that the couple hold themselves out as a married couple even if they do not have a formal marriage certificate.

example, cohabitation, holding themselves out to be a married couple to others, a marriage or commitment ceremony, and shared parentage may be risky or illegal in their country of origin for LGBTQ couples.

Where civil documentation of a marriage does not exist, secondary documents, such as related civil documents, may be used, and when no other government-issued documentation is available, applicants or petitioners may include alternative evidence.²¹ Evidence of a marriage would include evidence of a marriage ceremony, cohabitation, or children together. Nonetheless, many of those will be inaccessible for LGBTQ couples living under hostile conditions in countries of origin or countries of asylum. Other secondary evidence of a relationship may include:

- Declarations from the individual themselves about their relationship history and informal marriage (see our [annotated petitioner/beneficiary declaration template here](#))
- Declarations from family members and friends who have seen the couple together at social gatherings and important events (see our [annotated witness declaration template here](#))
- Declarations from service providers attesting to how the couple represents themselves as married. This can include civil society organizations providing services to the couple in their country of origin or a country where they sought refuge (see our [annotated service provider declaration template here](#))
- Evidence to show the story of how the couple met and developed their relationship, such as cards on special occasions, emails, texts, photos of time spent together, pictures and social media posts from throughout the relationship, etc.
- Evidence of cohabitation, such as a joint lease agreement, utilities accounts in both persons' names, paystubs with an address matching the claimed home address
- Comingling of assets or joint ownership of property
- Joint tax returns or tax returns reflecting marital status
- Addition of one spouse to the other spouse's health or life insurance policy
- Automobile titles in both names
- Work records that are updated to reflect a marriage
- Proof of adoption of a child together

²¹ [8 CFR 103.2 \(b\)](#)

- Proof of parenting children together, such as through school records that list both spouses as emergency contacts
- A former civil union or domestic partnership (if the couple had been together for many years before marrying)²²

NOTE TO PRACTITIONERS — Post-Resettlement Evidence of Marriages

Once one of the parties is in a place or country where it is safe to disclose the relationship, it is important to gather evidence to further show “indicia of a marriage.” Though post-resettlement evidence alone will not suffice for follow-to-join petitions, state-side evidence of the relationship or other forms of marriage documentation can further strengthen the argument that the couple holds themselves to be married. Evidence may include proof of the parties maintaining their relationship long distance such as screenshots of video calls celebrating important events, call logs and messages between the parties, and if applicable, the spouse’s family, or receipts of money transfers.

NOTE TO PRACTITIONERS — Lack of familial support

Immigration officers might often look to family relationships for evidence of marriage bona fides. For LGBTQ couples without familial support, there are alternative ways to show community support for the relationship, such as letters of support from friends or coworkers.

Additionally, if filing an I-130 or a K-visa, practitioners may specifically state in the cover letter and in an affidavit or declaration from the client to USCIS that this is a same-sex relationship and that relatives are not to be contacted as it could place the Beneficiary in harm’s way. If filing an I-589, I-590, or I-730, the same should be done in the submission to USCIS. At the consular processing stage, practitioners may contact the adjudicating embassy and specifically state that certain family members should not be contacted due to risk of harm to the Beneficiary. There is no guarantee that they still won’t contact family members, but you have put them on notice.

²² We recognize much of this list will be inaccessible to LGBTQ couples. We are providing a more exhaustive list as a reference point. Advocates can explain to adjudicators why their clients are unable to obtain these documents because of risk factors associated with obtaining the documents in their home countries / countries of residence and instead submit first person declarations and letters of support.

Whether it is possible or reasonable for LGBTQ couples to obtain any of these documents will depend on the context in the country where they live and the degree of acceptance of LGBTQ relationships, as well as their particular relationship with their families and others. Moreover, displaced persons may not have advance notice of which documents they may be required to bring with them. Couples in this situation must explain their situation to the adjudicator through both a declaration at the time of filing the petition—see our [annotated template declaration for petitioners and beneficiaries below](#)—and verbally at the interview. For cases relying on the informal marriages policy, practitioners should also prepare a cover letter which explains why the documents are not available and should make an argument that given the context of the country conditions, the clients have met their burden and have shown indicia of marriage

When representing LGBTQ couples, an important part of gathering evidence includes research and documentation into country conditions explaining why other common forms of evidence are not available. For example, an LGBTQ couple in a country where same-sex couples face persecution may not be able to provide evidence of commingled assets, work records, or shared lease records, but reports documenting how it is dangerous for LGBTQ couples to live together or share a lease may strengthen their application and allow adjudicators to put more weight on the couples' declarations and other available evidence. In addition to the [resources noted above for researching laws regarding marriage](#) for same-sex couples and risks facing LGBTQ couples, you can also look to the resources below for country of origin documentation:

- [DOS Country Reports on Human Rights Practices](#) - As DOS publications, these may be viewed as particularly authoritative by U.S. adjudicators and generally contain statements regarding risks facing LGBTQ individuals in particular countries.
- [European Country of Origin Information Network](#) - This clearinghouse database which includes documents from a wide variety of sources (including DOS Country Reports) has been endorsed by UNHCR as the recommended source for COI in English.
- [Immigration Equality's Country Condition Indices](#)
- [Outright International Country Overviews](#)
- [Human Dignity Trust LGBTQ Criminalization Data](#)
- [Human Rights Campaign Resources](#)
- [UNHCR USA LGBTIQ+ persons Reports and Resources](#)

Hypothetical: Informal Marriages for Same-Sex Couples

Andrea entered the U.S. at the Mexico border and was recently granted asylum by an immigration judge. She is originally from Honduras, where she had a life partner, Lucía. They had a marriage-like relationship for 10 years, but they never shared a home because it was dangerous for them to do so. They do not have a marriage certificate because marriage for same-sex couples is not legal in Honduras. They were separated when Andrea fled due to gang threats. Lucía is also currently displaced in Mexico.

Analysis

Andrea and Lucia could benefit from the informal marriage policy if Andrea files an I-730 for her partner. Given that a marriage could not be perfected in Honduras, with sufficient alternative evidence, the couple might be able to prove that they were in an informal marriage.

Some questions for practitioners to ask in this case:

- Did you ever celebrate your union or relationship with a ceremony? Do you have pictures or videos of this?
- Who is someone with deep knowledge of your relationship to your partner? Would they be willing to write a statement to support your case?
- Did you disclose your relationship in your I-589?
- Have you held yourself to be married to your life partner in other contexts, for example by listing them as your spouse?
 - If not, the affidavit from the petitioner should include an explanation as to why. Many people will share that they did not know it was okay for them to disclose their marriage in the U.S. without having a marriage certificate available as proof of relationship.

Some other commonly asked questions in this case could include:

- What date of marriage should the couple use if no marriage certificate is available?
 - If any symbolic or spiritual ceremony took place, that date should be referenced as the date of marriage. If not, a relevant date of the beginning of cohabitation should be used. If neither is available, this should be discussed with the couple

to determine a date. The most important factor is for the date to remain consistent and be in accordance with the alternative evidence provided.

- Do either of you have a child? What is your/your spouse's relationship with the child?
 - If the child considers your client/your client's spouse to be their parent, you should include communications between the child and your client/your client's spouse. It is also a good idea to include photos of the family to show that they acted as a family. If possible, you could also include a letter from the child explaining their relationship to your client/your client's spouse

2. Other Challenges in Family Reunification for LGBTQ Couples

In addition to barriers to accessing civil marriage documentation in countries of origin and asylum, LGBTQ couples face many other structural issues that might prevent them from accessing immigration benefits. Below we address some of these issues.

a. Challenges for Transgender Individuals

General evidentiary requirements can present complications for transgender beneficiaries who may not identify with the gender marker on their passport or birth certificate. Advocates should be aware of exceptions to document requirements that exist and make arguments to the appropriate agency when necessary. For example, if a displaced transgender individual was applying for an immigrant visa and had an expired passport that they could not renew due to their gender identity, an advocate could request that DOS proceed with immigrant visa issuance using a Form DS-232 in lieu of the passport.²³

As of March 31, 2023, USCIS changed its Policy Manual to allow benefits requestors to self-select gender on USCIS forms without the need to provide documentary evidence of gender.²⁴ The new policy also makes clear that the gender marker selected does not need

²³ See DOS FAM, [9 FAM 504.10-3\(B\)\(2\)](#) (discussing on passport waivers). Immigrant visa applicants with expired passports who receive waivers and visas issued on a DS-232 would still need to be able to exit their country of residence. Most countries do not allow their own nationals to depart without a valid passport.

²⁴ [USCIS, Policy Alert, Selecting Gender on USCIS Forms](#), March 31, 2023. Notably, the policy change does not currently apply to one form – the Application for Replacement Naturalization/Citizenship Document (Form N-565). *Id.* note 1 (“The instructions for the Application for Replacement Naturalization/Citizenship Document (Form N-565) require that applicants submit documents in support of their request to change their gender marker. Therefore, the guidance in this Policy Manual update does not currently apply to Form N-565, and benefit requestors must continue to submit the form in accordance with the form instructions. See 8 CFR 103.2(a)(1).”).

to match the gender marker indicated on any supporting documentation. Under the prior policy, trans and nonbinary individuals faced evidentiary burdens to prove their gender, which created multiple barriers to accessing accurate identity documents. USCIS also announced that it is “working on options to include an additional gender marker (“X”) for another or unspecified gender identity” on forms and documents. For example, the N400, Application for Naturalization is one of the first USCIS forms to include an option for an additional gender marker.²⁵

In June 2021, DOS changed its policies governing the passport application process for U.S. citizens to allow for gender markers of male, female, and X in U.S. passport issuance and to allow passport holders to update and self-attest to gender without requiring documentary evidence of gender.²⁶ However, the DS-260 visa application form only has male and female gender options and DOS has not clarified policies to update gender during the visa application process.²⁷ Additionally, DOS’s general policy is that the biodata on the visa issued must match an applicant’s passport exactly, which could lead to issues or require explanation in an interview if the applicant’s gender does not match the passport they intend to use.²⁸ Advocates should prepare clients for DOS’s questions on this issue and DOS policy on visa-passport alignment. This may include flagging the issue in advance to the adjudicating Embassy, submitting a cover letter to explain the issue and bringing a copy to the interview itself, and supplementing with declarations from the applicant and supporting country-specific information about gender identification or lack thereof. Advocates should also prepare clients for the possibility that the documents will be issued using the gender marker listed on their passport.

Visa applicants must also complete medical exams overseas with an approved panel physician and there are often just a handful of panel physicians in a particular country who must follow specific technical instructions from the CDC.²⁹ If transgender clients face invasive exams or harassment or are rejected by the clinic, advocates should raise the issue with the consular section of the adjudicating embassy. If a completed medical exam is required prior to the visa interview, the applicant should still attend their interview

²⁵ See [USCIS Form N-400, Application for Naturalization](#) (edition 4/1/24).

²⁶ [DOS, Selecting your Gender Marker](#) (last updated April 19, 2024); see also, [Advocates for Trans Equality, Know Your Rights: Passports](#). However, some countries may refuse admission and even travel through the country to individuals whose passports list an ‘X’ gender marker. See, e.g., [DOS, Passport Validity for United Arab Emirates](#) (last updated August 14, 2023). Therefore, it is important to review the Department of State Entry, Exit and Visa Requirements of countries where clients want to enter or transit through.

²⁷ See [DOS, DS-260 Immigrant Visa Electronic Application - Frequently Asked Questions \(FAQs\)](#) and

DS-260 FAQ, and DOS, DS-260 IV Application SAMPLE (recently removed from DOS website but available at the [Wayback Machine Internet Archive here](#)).

²⁸ See generally DOS FAM, [9 FAM 403.9-2](#); DOS FAM, [9 FAM 504.1-3](#).

²⁹ [DOS, Medical Exam FAQs; U.S. Center for Disease Control and Prevention \(CDC\), Technical Instructions for Panel Physicians](#) (May 15, 2024).

appointment and provide details about the challenges they faced in getting the medical exam. This may also include not yet booking a medical exam appointment because of concerns for their safety and well-being.

Transgender clients whose gender presentation does not match their passport or travel documents may face difficulties exiting their country of residence and boarding flights. For refugee and refugee/asylee follow-to-join applicants, their travel will be coordinated by the Resettlement Support Center (RSC) in coordination with the International Organization for Migration (IOM) (in some regions, the IOM will also operate the RSC). DOS guidance suggests that transgender refugees may want to obtain an “official letter from a physician or other authority figure explaining why their appearance does not match the information on their documents,”³⁰ though this suggestion would only apply if such a letter is safe and feasible to obtain. Advocates should assist transgender clients with communicating with IOM to share the risks and challenges of obtaining such documents and requesting waivers or exemptions as applicable. Transgender clients may also face difficulties if the gender marker listed on their flight ticket does not match the gender identity listed on their government-issued passport. Currently, the Transport Security Administration recommends that transgender and non-binary travelers provide the gender marker listed on their government-issued ID when making travel reservations.³¹

b. Expedited Processing and Interview Transfers

LGBTQ individuals often face protection concerns. Advocates should push for expedited processing or a case transfer to another embassy if the client prefers to interview at another country’s embassy and is able to do so.

The process to request expedited processing will depend on the type of case and the agency responsible for the case. If a petition or application is with USCIS, expedite requests can be made on the basis of “emergencies or urgent humanitarian situations,”³² but USCIS will expect information about the specific circumstances of a beneficiary or petitioner. Advocates should search the COI resources for evidence documenting homophobic country conditions that can serve as supporting evidence, but would want to include information about specific threats faced by the individual at risk.³³ For applicants of an immigrant visa and in consular processing, expedite requests are made to the NVC until an

³⁰ DOS, USRAP Processing Travel Guide 08: Travel (January 27, 2023), p. 11, available through [IRAP’s collection of USRAP documents released through FOIA here](#).

³¹ [U.S. Transportation Security Administration \(TSA\). Gender Diversity](#).

³² [USCIS, Expedite Requests](#) (Last Reviewed/Updated 03/21/2024).

³³ Use the [COI research resources listed above](#) to help with research.

interview is scheduled and then to the relevant Embassy consular section email or interview appointment portal thereafter.³⁴

Generally, immigrant visa applicants apply for a visa in their country of current residence.³⁵ If a client wants to interview in another country due to threats they face in their country of residence—for example, because they have safety concerns about traveling to the U.S. embassy for an interview, they are able to seek permission to transfer the case for an interview at another location.³⁶

The DOS Foreign Affairs Manual indicates that it is the “applicant’s responsibility to locate a post willing to accept the case and to ask the receiving post to request transfer of the petition on their behalf” and posts may accept transfers on a discretionary basis based on hardship.³⁷ According to DOS, posts take into account their limitations in terms of “local restrictions, demand and post capacity” as well as the applicant’s situation of “whether the applicant is physically present in the consular district and has the permission of host government authorities to legally remain for the time it takes to process the immigrant visa” when making a determination of whether to accept a transfer request.³⁸ When making a request, advocates should include evidence of physical presence in the country if possible, or alternatively proof of the ability to enter and remain in the country (such as a visa and valid passport), as well as a description of why the post should exercise discretion to accept a transfer. To strengthen the request, evidence of threats and country conditions demonstrating the hardship should be submitted to the relevant post.

If challenges occur with reaching out to the consular section or assistance is limited, advocates may also submit assistance via a congressional inquiry. Congressional representatives have specific liaisons with USCIS and DOS to inquire and advocate on behalf of immigration matters of their constituents.³⁹

c. Reunifying with Children

In this advisory, we highlight a few particular challenges facing LGBTQ couples reunifying with children; IRAP’s [U.S. Immigration Law and Marriages Abroad Practice Guide](#) explores the issues facing parents reunifying through a marriage along with their children in more detail.

³⁴ [DOS, Immigrant Visas Processing - General FAQs.](#)

³⁵ See [22 CFR 42.61.](#)

³⁶ [DOS, Immigrant Visas Processing - General FAQs.](#)

³⁷ [DOS, FAM, 9 FAM 504.4-8\(C\)\(f\)\(3\).](#)

³⁸ [Department of State/AILA Liaison Committee Meeting January 20, 2022](#), question 42, p19.

³⁹ Instructions on how to make a congressional inquiry can be found in [IRAP’s legal information guide, What can I do if my U.S. immigration application is delayed?](#) (2024). Note that each congressional office has their own process which can be found on their website, generally requiring a signed privacy release to inquire to USCIS or DOS.

In 2021, USCIS and DOS made changes to their policies assessing whether a child was born “in wedlock” for immigration purposes, and current policy holds that a child is born in wedlock when at least one genetic and/or gestational parent is legally married to the child’s other legal parent at the time and place of the child’s birth.⁴⁰ Because fathers reuniting with children born “out of wedlock” must meet an additional, higher legal standard, this change is beneficial to married, same-sex couples who have children where only one parent is a genetic or gestational parent. However, the U.S. has not clarified how they would consider the child of a married couple where neither parent is a genetic or gestational parent (a married couple who use a donated egg and sperm and a surrogate), and it is possible that it would consider this child born “out of wedlock.”

As noted above, for children born out of wedlock, the requirements to immigrate vary based on the parent’s gender, with an additional step required to prove a child’s relationship with their father. The U.S. has not indicated which requirement they would apply to a transgender parent who transitioned after the birth of a child, and it is possible they would base the requirements based on the parent’s legal gender at the time the child was born.

For same-sex couples who rely on the exception for refugees and asylees in informal marriages, USCIS has not clarified if the informal marriage also creates a valid relationship for the purposes of a step-child relationship. However, given the family unity implications and the rationale and logic for the informal marriage exception, advocates should argue for the recognition of the relationship.

As discussed in IRAP’s Marriage Practice Guide, there are various points in the process of reunifying with children during marriage-based reunification where civil documentation is requested from USCIS: to document a parent-child relationship, to document the validity of a marriage when the child was born, to document a bona-fide relationship between a father and a child born out-of-wedlock, or to document legal custody or permission from another parent in order to travel with a child. Due to discriminatory government practices or hostility in personal relationships, LGBTQ parents may face additional challenges obtaining documentation and advocates should be prepared to use the strategies noted above to provide secondary evidence and present country conditions evidence to show why documents are reasonably unavailable.

⁴⁰ [USCIS Policy Manual, Vol. 6, Part B, Chapter 8, Children, Sons, and Daughters](#) (current as of June 28, 2024). See also [Immigration Equality, Foreign-born children of same-sex couples](#), August 16, 2021.

3. Chart on Common and Alternative U.S. Immigration Pathways to Reunify

Pathway	Summary & Links	Advantages	Disadvantages
I-130, Family-based immigration petition	If one spouse in a couple is a lawful permanent resident (LPR) or U.S. citizen (USC), they can file an I-130 petition for their spouse who can then adjust status (if within the U.S.) or apply for a visa at a consular office overseas <i>Key Links: USCIS I-130, DOS Family Immigration</i>	<ul style="list-style-type: none"> • Available to any spouse regardless of when the marriage occurred (in contrast to derivative / follow-to-join reunification options) • Available if the spouse is within the U.S. and able to adjust status (in contrast to refugee processing options). • In some cases, processing may be quicker than humanitarian options. 	<ul style="list-style-type: none"> • Marriage must be valid in the place-of-celebration, which limits options for LGBTQ couples to marry to fewer jurisdictions • U.S.-based petitioner must be an LPR or USC. • No fee waivers available for applicable filing fees and costs. • Inadmissibility grounds including public charge apply, and waivers for other inadmissibility are more limited than refugee and asylee contexts.
K-1, Visas for Fiancé(e)s of U.S. Citizens	U.S. citizens can petition for a fiancé(e) using a form I-129F petition and their fiancé(e) can receive a K-1 “nonimmigrant” visa through consular processing. The beneficiary spouse may then travel to the US on the K-1 visa and the couple would need to marry within 90 days of arrival in the U.S. ⁴¹ <i>Key Links: USCIS I-129F, DOS K-1</i>	<ul style="list-style-type: none"> • If the U.S.-based spouse is a U.S. citizen, even if the country where a couple is currently or previously resided does not recognize marriage for same-sex couples, the K-1, fiancé(e) Visa may be an option because it allows the couple to marry within the U.S. 	<ul style="list-style-type: none"> • Only available when the U.S.-based spouse is a U.S. citizen • The multiple steps required (I-129F, K-1, I-485) add to costs • If the couple is able to safely marry abroad that may be a quicker or cheaper route depending on the case.

⁴¹ Another option is for the U.S. citizen to file an I-130 and additionally file for a K-3 visa and/or K-4 visas. We recommend CLINIC’s guide, [Is it Time to Re-Think K-3 Visas?](#) (2023) to see if the case falls within the limited circumstances when K-3 / K-4 visa processing would be advantageous.

Pathway	Summary & Links	Advantages	Disadvantages
I-730, Refugee and Asylee Follow-to-Join / Derivative processing	<p>Individuals residing in the U.S. who have approved refugee or asylee status may petition for immediate family members to join them in the United States as a derivative to their refugee or asylum status. To begin the process, the petitioner (approved asylee or resettled refugee) files an I-730 petition and, if applying for a refugee abroad, an I-590, with USCIS. Individuals who are applying for refugee status abroad (I-590) and asylum in the United States (I-589) may also use the informal marriage exception to obtain derivative status.</p> <p><i>Key links:</i> USCIS I-730, CLINIC I-730 Manual</p> <p><i>Note:</i> In practice, USCIS may more closely scrutinize follow-to-join cases where the relationship existed but was not disclosed on the I-589 or I-590. Practitioners should counsel refugee and asylum applicants about this option at the time of filing. If the applicant was not aware of the policy at the time of filing, it may be helpful to amend their application as soon as possible and explain their situation.</p>	<ul style="list-style-type: none"> • Informal marriages policy applies, allowing couples without a marriage certificate to qualify for immigration benefits. • The process has no filing fees nor financial sponsorship requirements (no affidavit of support required). • There are broader waivers for any inadmissibility issues • Refugee beneficiaries receive travel assistance and refugee benefits upon resettlement 	<ul style="list-style-type: none"> • Only available where one spouse is in or has gone through refugee or asylee processing, and where marriage occurred before processing concluded • Two-year filing deadline. • The informal marriage exception still presents substantial evidentiary challenges for LGBTQ couples to access • Processing times can be lengthy, especially for refugee follow-to-join.
Priority 3 (P-3) Family Reunification Access to the U.S. Refugee Admissions Program (USRAP)	<p>P-3 family reunification is open to the spouse, children, and parents of refugees, asylees, and Afghan and Iraqi SIV holders who can meet the refugee definition and are outside of their country of origin. Notably, the P-3 pathway allows a filing for a spouse of any gender if they consider the person to be a spouse or life partner and submit evidence of an ongoing relationship at least one year overseas prior to filing evidence that the legal marriage was not an obtainable option due to social and/or legal prohibitions. P-3 filings can only be initiated through resettlement agencies in the United States.</p> <p><i>Key links:</i> DOS FY2024 Refugee Admissions Report, ORR Resettlement Agency List</p>	<ul style="list-style-type: none"> • The broader definition of marriage may allow for LGBTQ couples to access USRAP where it is not possible to obtain a legally valid marriage • Also available for spouses of Afghan and Iraqi SIV holders • Similar to refugee / asylee FTJ processes do not have fees and will give beneficiaries refugee benefits • There is a longer eligible filing time when compared with FTJ (5 years, compared to two years). 	<ul style="list-style-type: none"> • Compared to refugee-asylee follow-to-join processing, the requirement to be outside of one's country of origin and to meet the refugee definition are substantially limiting • Processing times can also be longer than refugee-asylee follow-to-join. • For LGBTQ couples, submitting evidence of the relationship overseas may pose the evidentiary challenges noted above.

Pathway	Summary & Links	Advantages	Disadvantages
<p>Priority 4 (P-4) Access to USRAP as a Named Refugee through Private Sponsorship</p>	<p>P-4 private sponsorship allows groups of five U.S. citizens or lawful permanent residents to identify an individual for referral to USRAP, where they may apply for refugee resettlement. Although not specifically a family reunification pathway for spouses, it can allow U.S.-based individuals to reunite with family members who are refugees but cannot meet criteria for other reunification. Sponsored individuals must be outside of their country and usually must have registered as a refugee with UNHCR or the host country as of September 30, 2023. <i>Key links: Welcome Corps</i></p>	<ul style="list-style-type: none"> • Because P-4 is not a family-based program, no evidence of the relationship would be required. This can be a substantial benefit for LGBTQ couples who face difficulty documenting their relationship. 	<ul style="list-style-type: none"> • The sponsorship program requirements are significant, as a sponsorship group is composed of five USC or LPR members who collectively ensure they have sufficient funding and resources to support a refugee applicant. • Sponsored refugee applicants must be able to meet the refugee definition, be outside of their country of origin, and have previously registered with UNHCR or a country government as of September 30, 2023.
<p>Humanitarian Parole</p>	<p>Humanitarian parole allows any individual to apply for discretionary permission to enter the U.S. based on humanitarian reasons or significant public benefit, including “family-based reasons.” USCIS training on HP suggests that parole may be appropriate when USCIS grants a “protection-based immigration benefit” such as asylum or refugee status to “a close family member or same-sex partner” and that family member or partner is either ineligible for derivative status or is at serious risk of harm and cannot wait for processing of a derivative application. Applicants must file a form I-131, present evidence of humanitarian reasons or significant public benefit, a form I-134 from a supporter showing sufficient funds to support the parole applicant in the U.S., and an explanation of why the application is not circumventing other intended pathways. Individuals granted parole can apply for a permanent status like asylum or family-based adjustment, such as a LGBTQ couple who can reunite and marry in the U.S. <i>Key Links: USCIS I-131; USCIS I-134; USCIS HP</i></p>	<ul style="list-style-type: none"> • Highly discretionary standards allow for flexibility around family member recognition. USCIS training notes that officers have discretion to recognize any family relationship, include a “same-sex partner or children of a same-sex partner... in particular if the beneficiary is from a country where same-sex marriage is not legal.” • In some cases, could be adjudicated more quickly than other options, though recently backlogs, particularly for Afghan applicants, have become lengthy • Inadmissibility grounds do not directly apply, though they will be considered if intending to apply for a permanent status in the U.S. 	<ul style="list-style-type: none"> • Highly discretionary standard and relatively high denial rate means even a compelling case may be denied. • In practice, officers may demand evidence from LGBTQ couples and their relationship that is not safe or feasible to obtain. • Sponsor requirements may be difficult for some clients to meet. • Lack of financial benefits and immediate work authorization (separate application required after arrival) can pose challenges. • Parole is temporary so a permanent pathway and additional costs or challenges (inadmissibility for example) could still pose a challenge.

4. Annotated Template Declarations of a Petitioner or Beneficiary, Witness in Support of a Petition, and Service Provider in Support of a Petition.

DECLARATION OF [PETITIONER/BENEFICIARY NAME]

[General note: Use first person and try to stay in the client’s voice and vocabulary. Keep things clear and straightforward. Keep length and level of detail reasonable in light of the fact that this will become part of an immigration record. Clients may later be asked questions about details in the statement.]

1. [Introductory information should include declarant name, DOB, and immigration status] *For example: My name is []. I was born in [] on []. I am a citizen of [].*
2. [Purpose of declaration]
For example: I submit this declaration in support of [NAME OF PARTNER]’s application for family reunification. I have prepared this declaration to explain my relationship and marriage to [NAME OF PARTNER].
3. [How petitioner and beneficiary met, relationship between partners]
For example: I met [] in [YEAR]. We felt a connection to each other and started spending a lot of time together. They were living across the street from where I worked. I remember the first time I saw her. We talked casually. After a few days of talking, I asked for their phone number. They gave it to me, and we started texting. We talked more and got to know each other as friends. We communicated through text and phone calls, and would go to restaurants and each other’s apartments every week. Eventually our relationship progressed and we got closer and became a couple. I finally found a person who was like me and who accepted me as I was.
4. [Describe spousal relationship and informal marriage ceremony, if possible. NOTE: ATTORNEYS SHOULD INQUIRE WITH THEIR CLIENTS ABOUT THE DATE THEY STARTED CONSIDERING THEMSELVES TO BE MARRIED. SAMPLE QUESTIONS: 1) When did you start dating? 2) When did you both start thinking of each other as partners for life? What happened then? Was it a special occasion? Did you have a conversation about it?]
For example: We got married on [DATE]. It was a small ceremony in the camp with a few witnesses, including [NAMES OF AND RELATIONSHIP TO WITNESSES]. We could not go to an official government office to get a marriage certificate, but we considered ourselves married.

[For clients who have not had an informal marriage ceremony, describe a significant date and the marital relationship before client fled to the US]

For example: While we wanted to get married, [] does not allow same-sex couples to access marriage. However, around [DATE], my spouse and I moved in together to our apartment at [ADDRESS]. When we moved in, we had a housewarming party where we invited all of our friends. It was a merry time. I have considered myself to be married to my spouse since that time. After we moved in together, we did everything together. While we were not able to open joint bank accounts in [], we each had access to the other’s income. It was the closest thing we could have in place of a joint bank account. We lived our

lives as spouses, despite not having that legal recognition. It was almost as though it were out of a movie. We both went to work, came home, and cooked dinner. We would have arguments about who would do the dishes and the way we would each store groceries in the fridge.

Alternate example: My spouse and I were unfortunately never able to live together. It is extremely dangerous for LGBTQ individuals to live together in []. If they do, they are putting a target on their back. While we did not live together we still considered ourselves to be married. After dating for 5 years, my spouse and I went to watch a movie. It was a Bollywood movie about a couple who society tried to keep apart. My spouse and I both cried during this movie. After the movie, my spouse and I went to a restaurant to eat dinner. Over dinner, we talked about our aspirations for the future, and both of us had the other in our imagined futures. It was then that we both considered the other our “forever” person. While the privilege of marriage is not extended to same-sex couples in [], that is the date from which I have considered myself to be married to my spouse. From that date onwards, in the limited ability that we were able to in Afghanistan, I considered my spouse, and my spouse considered me, in every decision we took.

5. [Describe things you wanted to do but were unable to because of laws. Did you have a workaround? What was your work around?]

For example: My spouse and I really wanted to buy a house together, but because of the way property ownership works in [], we were unable to do so. However, we both purchased adjoining plots of land in our individual names. We had hoped to construct a house on that land before I was forced to flee. We also want to adopt a child, but were unable to do so because laws in [] prevent same-sex couples from adopting.

6. [If relevant, prior marriage history, including prior “opposite-sex” marriages]

For example: Before I met [], I was married to a woman, []. Our families knew each other and arranged our marriage. I felt I had no choice because my parents were suspicious that I was gay and I was worried that to refuse the marriage would put me at risk. We got married on [] at []. We lived together for [] years, and we never had any children. We divorced on [].

7. [Current life as couple: how do they communicate with one another, travel and visits, support from family and friends]

For example: We video chat every day on the phone, and call when the Internet service is bad. Sometimes they are working all day or their Internet only works for a few hours, but they call me when they are able to. I will go to visit them whenever I can.

8. [Information about any threats faced by couple and summary of current fears, difficulties marrying in country of origin and/or country of first asylum]

For example: In [], there was and is such intense hatred and violence against actual or suspected LGBTQ individuals and same-sex couples by []. As a gay man, I struggled through my childhood and adolescence to hide my sexual orientation, fearing rejection, violence and abuse from the police and others merely because I was different. My life is different now that I have []. We have a good

relationship and support each other. I am waiting for when we can be reunited and together again as a family and live our lives together as spouses in a safe place.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

_____ _____
[CLIENT SIGNATURE] Date

[If read back in another language, include an interpreter certification:]

Certification by Interpreter

I [typed name], certify that I am fluent (conversant) in the English and _____ languages, and I provided an accurate interpretation of this declaration.

Signature _____

Date _____

**DECLARATION OF [WITNESS NAME] TO SUPPORT THE MARRIAGE OF [PETITIONER NAME]
AND [BENEFICIARY NAME]**

1. [Introductory information should include declarant name, DOB, immigration status, address, and contact information]
For example: My name is []. I was born in [] on []. I am a citizen of []. My address is []. My phone number and/or email address is [].

2. [Purpose of declaration]
For example: I submit this declaration in support of [NAME]'s application for family reunification. I have prepared this declaration to explain my relationship to [NAME] and knowledge of their relationship and marriage to [].

3. [Relationship between witness and client]
For example: [] has been a personal friend of mine since we met in []. We have become close friends and visit each other and text regularly. We support one another and share our personal lives with each other.

4. [Knowledge of relationship between petitioner and beneficiary]
For example: They first shared the news of their relationship to [] with me in []. They said that they had met someone special. I was glad for them. I spoke to [] about their relationship frequently, and met their partner through video chat in []. It is clear from my frequent conversations with [] that they are meant for one another. [] has shared with me their commitment to [] and desire to be a good partner and for a strong marriage and relationship. [] spends most of their free time calling or visiting [], which affirms to me the seriousness of their relationship. It is wonderful to see their relationship develop and their commitment to one another. I know [] wants to be reunited with [] so they can create a life together here.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

[If applicable, add a sentence on why you are unable to get the affidavit notarized, and include a copy of the affiant's ID. If the ID is solely in a language that is not English, include a certified translation of that ID as well.]

[WITNESS SIGNATURE]

Date

If read back in another language, include an interpreter certification:

Certification by Interpreter

I [typed name], certify that I am fluent (conversant) in the English and _____ languages, and I provided an accurate interpretation of this declaration.

Signature _____

Date _____

Date _____