

# **How the U.S. Immigration System Encourages Child Marriages**

**Majority Staff Report of the  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
Senator Ron Johnson, Chairman**



**January 11, 2019**

## EXECUTIVE SUMMARY

---

U.S. law and U.S. Department of State policy aim to prevent and reduce the risks of child marriages occurring around the world, yet major loopholes in U.S. law have allowed thousands of minors to be subjected to child marriages. Under the *Immigration and Nationality Act* (“INA”), a U.S. child may petition for a visa for a spouse or fiancé living in another country, and a U.S. adult may petition for a visa for a minor spouse or fiancé living abroad.<sup>1</sup>

Obtaining a visa for a spouse or fiancé involves the approval of two federal government agencies. A petition is first made to the U.S. Citizenship and Immigration Services (“USCIS”). If a petition is filed by or on behalf of a minor, USCIS does not require parental or judicial consent. Once USCIS approves a petition, the decision to actually issue a visa is made by the State Department. The State Department returns or rejects few spousal or fiancé immigrant visa petitions after they are approved by USCIS. USCIS reported to the Committee: “Between [Fiscal Year (“FY”)] FY 2007 and FY 2017, approximately 2.6 percent of fiancé and spousal petitions [were] returned to USCIS. Of that total, approximately 37 percent [were] revoked.”<sup>2</sup>

Over the last eleven years (FY2007 to FY2017), USCIS approved 3,595,447 petitions<sup>3</sup> for spousal or fiancé entry in to the United States.<sup>4</sup> Of those, 8,686 involved a minor.<sup>5</sup> Two minors whose petitions were approved were 13 years old<sup>6</sup>; 38 were 14 years old; 269 were 15 years old; 1,768 were 16 years old; and the remaining 6,609 were 17 years old.<sup>7</sup> Girls were the younger party in 95 percent of the petitions approved by USCIS.<sup>8</sup>

USCIS did not know how many of the 8,686 petitions involving a minor were approved by the State Department for a visa. However, based on the 2.6 percent return/reject rate shown above, it is reasonable to conclude that the United States issued a visa to a significant number of the spouses and fiancés named on the 8,686 petitions. Additionally, USCIS reported that over the same time period (FY2007-FY2017), 4,749 minors in the United States on spousal or fiancé visas received green cards to become lawful permanent residents (“LPR”).<sup>9</sup>

---

<sup>1</sup> Pub. L. No. 82-414. The *Immigration and Nationality Act* does not establish a minimum age requirement for petitions for immigration benefits for spouses or fiancés. See Letter from The Honorable L. Francis Cissna, Director, U.S. Citizenship & Immigration Services, to The Honorable Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs (Oct. 4, 2018) (on file with Comm. staff) [hereinafter Director Cissna Letter]; see also William A. Kandel, *Memorandum to S. Comm. on Homeland Sec. & Governmental Affairs, Forced Marriage and Child Marriage in the Context of U.S. Immigration Policy*, Cong. Research Serv. (2018) (on file with Comm. staff) [hereinafter Kandel CRS Report].

<sup>2</sup> Director Cissna Letter, *supra* note 1.

<sup>3</sup> The Form I-130 Petition for Alien Relative is used for spouses and the Form I-129F Petition for Alien Fiancé(e) is used for fiancés. See U.S. Citizenship & Immigration Services, I-130, Petition for Alien Relative <https://www.uscis.gov/i-130> (last updated Nov. 6, 2018); U.S. Citizenship & Immigration Services, I-129F, Petition for Alien Fiancé(e), <https://www.uscis.gov/i-129f> (last updated Sept. 10, 2018).

<sup>4</sup> Director Cissna Letter, *supra* note 1.

<sup>5</sup> *Id.*

<sup>6</sup> The two petitions involving 13-year-olds were ultimately refused or terminated by the State Department. *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 9, 2018).

<sup>9</sup> Director Cissna Letter, *supra* note 1.

The Committee found that USCIS awarded some petitions to people with significant age differences. For example, in 2013, USCIS approved a 71-year-old U.S. citizen's petition for a 17-year-old spouse in Guatemala;<sup>10</sup> in 2011, USCIS approved a 14-year-old U.S. citizen's petition for a 48-year-old spouse in Jamaica;<sup>11</sup> and USCIS approved 149 petitions involving a minor with an adult spouse or fiancé who was more than 40 years old.<sup>12</sup>

As part of its oversight work, Committee staff spoke with a U.S. citizen and child-marriage victim who was forced to marry her first cousin during a family vacation to Pakistan.<sup>13</sup> USCIS approved her petition for a spousal immigration benefit for her cousin when she was 13 years old after she returned to the United States. She is just one of the thousands of U.S. women and girls forced into a child marriage involving the U.S. immigration system.

Committee Chairman Ron Johnson and former Ranking Member Claire McCaskill sought information from USCIS about child marriages and immigration benefits in September 2017.<sup>14</sup> It took USCIS over one year to provide the data in this report. This report explains current U.S. law and presents the data and information the Committee obtained. It also details the weaknesses the Committee found in USCIS's management and administration of spousal and fiancé immigration petitions that leave minors vulnerable to fraud, child exploitation, trafficking, and forced marriages. The Appendix includes the letter Chairman Johnson and former Ranking Member McCaskill sent to USCIS and the documents USCIS provided to the Committee in response.

---

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Email and Telephone Interview with Naila Amin and Comm. staff (Aug. 10, 2017).

<sup>14</sup> Letter from The Honorable Ron Johnson & The Honorable Claire McCaskill, Chairman and Ranking Member, S. Comm. on Homeland Sec. & Governmental Affairs, to James McCament, Acting Director, U.S. Citizenship & Immigration Services (Sept. 15, 2017) (on file with Comm. staff).

# TABLE OF CONTENTS

---

EXECUTIVE SUMMARY .....	2
TABLE OF CONTENTS.....	4
I. BACKGROUND ON CHILD MARRIAGES AND THE U.S. IMMIGRATION SYSTEM.....	5
A. Child marriage in the United States .....	5
B. The implications of the legality of child marriage in U.S. immigration law .....	6
II. THE PROCESS TO PETITION FOR IMMIGRATION BENEFITS FOR A SPOUSE OR FIANCÉ .....	8
III. DATA AND INFORMATION ABOUT CHILD MARRIAGES AND THE U.S. IMMIGRATION SYSTEM .....	11
A. USCIS approved 8,686 immigration benefit petitions for a spouse or fiancé involving a minor between FY2007 and FY2017.....	11
B. At least 4,749 minor spouses or fiancés adjusted to become LPRs between FY2007 and FY2017 .....	12
C. Approximately 75 percent of the petitions approved between FY2007 and FY2017 involved minors who were 17 years old. However, petitions during that time were approved involving children as young as 14 years old.....	13
D. Between FY2007 and FY2017, USCIS approved 5,556 petitions by U.S. adults for minor beneficiaries overseas and 2,926 petitions by U.S. minor children for adult beneficiaries overseas.....	14
E. Mexican national beneficiaries had the highest number of spouse and fiancé visa petitions involving minors approved from FY2007 to FY2017. During that time, Middle Eastern national beneficiaries had the highest percent of approved petitions involving a minor as compared to their overall number of petitions for spousal or fiancé immigration benefits .....	15
VI. WEAKNESSES IN USCIS’S MANAGEMENT AND ADMINISTRATION OF SPOUSAL AND FIANCÉ IMMIGRATION PETITIONS.....	18
V. CONCLUSION.....	20
APPENDIX	

## I. BACKGROUND ON CHILD MARRIAGES AND THE U.S. IMMIGRATION SYSTEM

---

The U.S. government has advocated for preventing and reducing the risk of child marriages occurring around the world. In 2013, Congress passed the *Violence Against Women Reauthorization Act*, which required the Secretary of State to establish and implement a multi-year strategy to “prevent child marriages” and “to promote the empowerment of girls at risk of child marriage in developing countries.”<sup>15</sup> The law requires the Secretary of State to:

- establish and implement a multi-year, multi-sectoral strategy—
- (1) to prevent child marriage;
  - (2) to promote the empowerment of girls at risk of child marriage in developing countries;
  - (3) that should address the unique needs, vulnerabilities, and potential of girls younger than 18 years of age in developing countries;
  - (4) that targets areas in developing countries with high prevalence of child marriage; and
  - (5) that includes diplomatic and programmatic initiatives.<sup>16</sup>

In 2016, the State Department, in concert with other agencies, published the *United States Global Strategy to Empower Adolescent Girls*, which established a goal to “reduce the risk of child, early, and forced marriage (CEFM).”<sup>17</sup> It declared that child, early, and forced marriages “have devastating repercussions for a girl’s life,” and foster “conditions that enable or exacerbate violence and insecurity, including domestic violence.”<sup>18</sup> The policy defined a forced marriage as “. . . a marriage that takes place without the consent of one or both people in the marriage.”<sup>19</sup> The strategy reported that “[t]here are nearly 700 million women alive today who were married as children, and 15 million more are married each year.”<sup>20</sup> The State Department argued that “forced marriage [is] a human rights abuse and, in the case of minors, a form of child abuse.”<sup>21</sup>

### A. Child marriage in the United States

In the United States, children under the age of 18 are allowed to marry in nearly all states, but often with restrictions that require a showing of consent. The National Conference of State Legislatures (“NCSL”), a bipartisan non-governmental organization, compiled an analysis of

---

<sup>15</sup> Pub. L. No. 113-4.

<sup>16</sup> 22 U.S.C. § 7104(j) (2013).

<sup>17</sup> U.S. Dep’t of State, *United States Global Strategy to Empower Adolescent Girls* (2016), *available at* <https://www.state.gov/documents/organization/254904.pdf> [hereinafter U.S. Global Strategy].

<sup>18</sup> *Id.*; *see also* U.S. Agency for Int’l Dev., *Ending Child Marriage & Meeting the Needs of Married Children: The USAID Vision for Action* (2012), *available at* [https://pdf.usaid.gov/pdf\\_docs/PDACU300.pdf](https://pdf.usaid.gov/pdf_docs/PDACU300.pdf); U.S. Agency for Int’l Dev., *Child, Early, and Forced Marriage Resource Guide* (2015), *available at* [https://www.usaid.gov/sites/default/files/documents/1865/USAID\\_CEFM\\_Resource-Guide.PDF](https://www.usaid.gov/sites/default/files/documents/1865/USAID_CEFM_Resource-Guide.PDF).

<sup>19</sup> U.S. Dep’t of State, Bureau of Consular Affairs, *Forced Marriage*, <https://travel.state.gov/content/passports/en/emergencies/forced.html> (last updated July 31, 2018).

<sup>20</sup> U.S. Global Strategy, *supra* note 17.

<sup>21</sup> *Id.*

state marriage age laws as of May 2017.<sup>22</sup> NCSL summarized that, “[m]ost states require the parties to a marriage to be at least 18, with exceptions if the parties are between the ages of 16 and 18.”<sup>23</sup> NCSL further wrote, “[g]enerally, if under the age of consent as defined by law, the parties must obtain parental consent and/or judicial consent to be married.”<sup>24</sup> The Congressional Research Service reached a similar conclusion.<sup>25</sup>

Several states have recently enacted laws to curb marriages involving children. In 2018, Delaware and New Jersey passed legislation prohibiting marriage before the age of 18.<sup>26</sup> Florida passed a measure banning child marriages under the age of 17.<sup>27</sup> Available information on the number of child marriages occurring within the United States is limited, in part because the federal government does not collect this data.<sup>28</sup>

## **B. The implications of the legality of child marriage in U.S. immigration law**

The fact that child marriages are legal in the United States has significant implications for the U.S. immigration system. The INA does not prohibit minors from petitioning on behalf of a spouse or fiancé to receive immigration benefits, nor does it prohibit a U.S. adult citizen from petitioning on behalf of a minor spouse or fiancé.<sup>29</sup> USCIS will only consider whether the petitioner’s age at marriage “violates the laws of the place of celebration or the public policy of the U.S. state in which the couple plans to reside.”<sup>30</sup> However, USCIS does not require the minor to demonstrate parental or judicial consent, even if the state in which they will reside would have required it to marry.<sup>31</sup>

---

<sup>22</sup> Nat’l Conference of State Legislatures, *Marriage Age Laws*, available at <https://comm.ncsl.org/productfiles/94723912/NCSL-Marriage-Age-Requirements.pdf> (last updated May 2017).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Kandel CRS Report, *supra* note 1 (“[w]hile most states have established a minimum marrying age of 18, all make exceptions if parents consent by signing the marriage license applications. Many states also permit children below age 16 to marry with judicial approval.”).

<sup>26</sup> Ayaan Hirsi Ali Foundation, *Child Marriage Fact Sheet*, available at <https://www.theahafoundation.org/child-marriage/> (last visited Dec. 3, 2018).

<sup>27</sup> Ellen Wulforst, *Florida Approves Limit, but not Ban, on Child Marriage*, Reuters (Mar. 10, 2018), <https://www.reuters.com/article/us-usa-childmarriage-florida/florida-approves-limit-but-not-ban-on-child-marriage-idUSKCN1GM0ET>.

<sup>28</sup> Kandel CRS Report, *supra* note 1 (noting that “estimates of the prevalence of forced marriage in the United States are relatively few and based upon surveys of populations that may not be generalizable to the broader U.S. population”). In 2018, researchers from the UCLA Fielding School of Public Health determined that “approximately 78,400 children in the U.S. are or have been married” and there are “large prevalence differences between children of different racial, ethnic and immigrant backgrounds. Children born outside the U.S., particularly those born in Central America, Mexico and the Middle East, were much more likely to be married than their peers born in the U.S.” Stephanie Cajigal, *Child marriage occurs in the US and threatens the wellbeing of girls and boys nationwide*, UCLA researchers report, UCLA Fielding School of Public Health (Apr. 17, 2018), <https://ph.ucla.edu/uclachildmarriage> (citing Alissa Koski and Jody Heymann, *Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?*, UCLA Fielding School of Public Health (Apr. 17, 2018), available at <https://onlinelibrary.wiley.com/doi/abs/10.1363/psrh.12055>).

<sup>29</sup> Kandel CRS Report, *supra* note 1.

<sup>30</sup> Director Cissna Letter, *supra* note 1.

<sup>31</sup> Kandel CRS Report, *supra* note 1.

Advocacy organizations against child marriages and forced marriages warn that U.S. policy creates the opportunity for adults to exploit immigration benefits for the purposes of forcing children into marriage. Fraidy Reiss, founder of the non-profit organization Unchained At Last, told National Public Radio that “the families of young brides will often promise American citizenship to a foreign husband in lieu of paying a dowry.”<sup>32</sup> Based on her experience working with victims, Reiss warned that brides brought to the United States may be denied the opportunity to apply for U.S. citizenship, which may leave them subject to domestic violence.<sup>33</sup> Reiss believes that “families use the threat of deportation to keep women from leaving or reporting abuse.”<sup>34</sup>

The non-profit Ayaan Hirsi Ali Foundation called the ability for a child in the United States to sponsor a visa for a spouse or fiancé a “federal loophole” and explained “[t]hese loopholes leave the most vulnerable children, often girls promised to adult men, defenseless to families who hope to offer U.S. citizenship in exchange for a marital agreement.”<sup>35</sup>

Committee majority staff spoke with one victim of a forced marriage who filed a petition to have her husband immigrate to the United States in 2003 when she was just 13 years old.<sup>36</sup> Ms. Naila Amin, who is now an adult, traveled to Pakistan with her family on vacation to attend her brother’s wedding. During the trip, she was forced to marry her older first cousin. She recalls her parents taking pictures and saying they were for immigration purposes. In January 2005, her parents sent her from New York to live with her husband in Pakistan. Throughout her forced marriage she suffered physical and sexual abuse. She attempted to escape the marriage on numerous occasions and succeeded in March 2005, returning home to the United States.<sup>37</sup>

Ms. Amin did not recall whether she had petitioned for a spousal visa for her cousin, since her recollection from childhood was unclear. She contacted the Committee to request help to learn if she had petitioned for an immigration benefit as a child or was forced by her family to do so.<sup>38</sup> Committee majority staff learned that USCIS approved her petition for her husband in 2004, though she has no recollection of filing it.<sup>39</sup> The State Department subsequently terminated the petition in 2008.<sup>40</sup>

---

<sup>32</sup> Jennifer Ludden, *Thousands of Young Women in U.S. Forced Into Marriage*, NPR (Apr. 14, 2015), <https://www.npr.org/sections/goatsandsoda/2015/04/14/399337562/thousands-of-young-women-in-u-s-forced-into-marriage>.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Federal Loophole Responsible for Countless Child Marriages in the U.S.*, The AHA Foundation (Oct. 15, 2018), <https://www.theahafoundation.org/federal-loophole-responsible-for-countless-child-marriages-in-the-u-s/>.

<sup>36</sup> Email and Telephone Interview with Naila Amin and Comm. staff, *supra* note 13.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Email from USCIS to S. Comm. on Homeland Sec. & Governmental Affairs majority staff (Sept. 19, 2017 12:34 PM) (on file with Comm. majority staff).

<sup>40</sup> Email from U.S. Dep’t of State National Visa Center to S. Comm. on Homeland Sec. & Governmental Affairs majority staff (Sept. 22, 2017 11:29 PM) (on file with Comm. majority staff).

## II. THE PROCESS TO PETITION FOR IMMIGRATION BENEFITS FOR A SPOUSE OR FIANCÉ

---

A U.S. citizen or LPR can petition for immigration benefits for a spouse through a two-step process. First, the applicant must file and submit to USCIS a Form I-130, Petition for Alien Relative, to determine the validity of the relationship.<sup>41</sup> Applicants must include evidence proving a “family relationship” between the petitioner and beneficiary.<sup>42</sup> Applicants need not prove parental or judicial consent. Most Form I-130 petitions are approved without in-person interviews, but USCIS may schedule an interview on a case-by-case basis.<sup>43</sup> Once USCIS approves an I-130 petition, it sends the petition to the State Department to determine whether to issue a visa to the spouse.<sup>44</sup> The person in the foreign country must then interview with a Consular Affairs Officer of the State Department.

U.S. citizens follow a similar process to petition on behalf of a non-citizen fiancé by filing an I-129F, Petition for Alien Fiancé(e).<sup>45</sup> The petitioner must provide evidence that he or she intends to marry within 90 days of entering the country.<sup>46</sup> The petitioner and fiancé must also provide evidence that they met in-person within the last two years, unless doing so violates religious customs or social practices.<sup>47</sup> As with spousal petitions, the petition is then reviewed by the State Department and applicants need not prove parental or judicial consent.

---

<sup>41</sup> U.S. Citizenship & Immigration Services, *I-130 Petition for Alien Relative*, <https://www.uscis.gov/i-130>. The purpose of the I-130 form is to bring a spouse, parent, sibling, or a child of a U.S. citizen or LPR to the U.S. See Dep’t of Homeland Sec., U.S. Citizenship & Immigration Services, *Instructions for Form I-130 PDF, Petition for Alien Relative, and Form I-130A, Supplemental Information for Spouse Beneficiary PDF*, <https://www.uscis.gov/i-130>.

<sup>42</sup> The petitioner must show a marriage certificate and, if applicable, documents demonstrating termination of previous marriages for both parties. U.S. Citizenship & Immigration Services, *I-130 Petition for Alien Relative*, <https://www.uscis.gov/i-130> (last updated Nov. 6, 2018); U.S. Citizenship & Immigration Services, *Response to Follow-up Questions from the Briefing Held on October 9, 2018*, at 4 (Nov. 5, 2018) (on file with Comm. staff).

<sup>43</sup> Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 26, 2017).

<sup>44</sup> Filing a form I-130 is only the first step in terms of a spouse or fiancé immigrating to the United States. Once the petition is approved, they must wait until there is a visa available. Immediate relatives are not subject to numerical visa limitations, but spouses of U.S. citizens may wait up to two years for an immigrant visa. Other family members approved for I-130 petitions may wait up to four or five years. Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 9, 2018).

<sup>45</sup> U.S. Citizenship & Immigration Services, *I-129F, Petition for Alien Fiancé(e)*, <https://www.uscis.gov/i-129f> (last updated Sept. 10, 2018). LPRs are not able to petition for fiancés. LPRs may only petition for a spouse, unmarried child under the age of 21 years old, and unmarried son or daughter 21 years or older. Email from U.S. Citizenship & Immigration Services to Comm. staff (Oct. 16, 2018).

<sup>46</sup> *Id.* Alien fiancés hold a K-1 nonimmigrant visa. See U.S. Citizenship & Immigration Services, *Visas for Fiancé(e)s of U.S. Citizens*, <https://www.uscis.gov/family/family-us-citizens/visas-fiancees-us-citizens> (last updated Mar. 23, 2018).

<sup>47</sup> U.S. Citizenship & Immigration Services, *I-129F, Petition for Alien Fiancé(e)*, <https://www.uscis.gov/i-129f> (last updated Sept. 10, 2018).



Figure 1: Process of petitioning for a spousal visa from start to finish.<sup>48</sup>

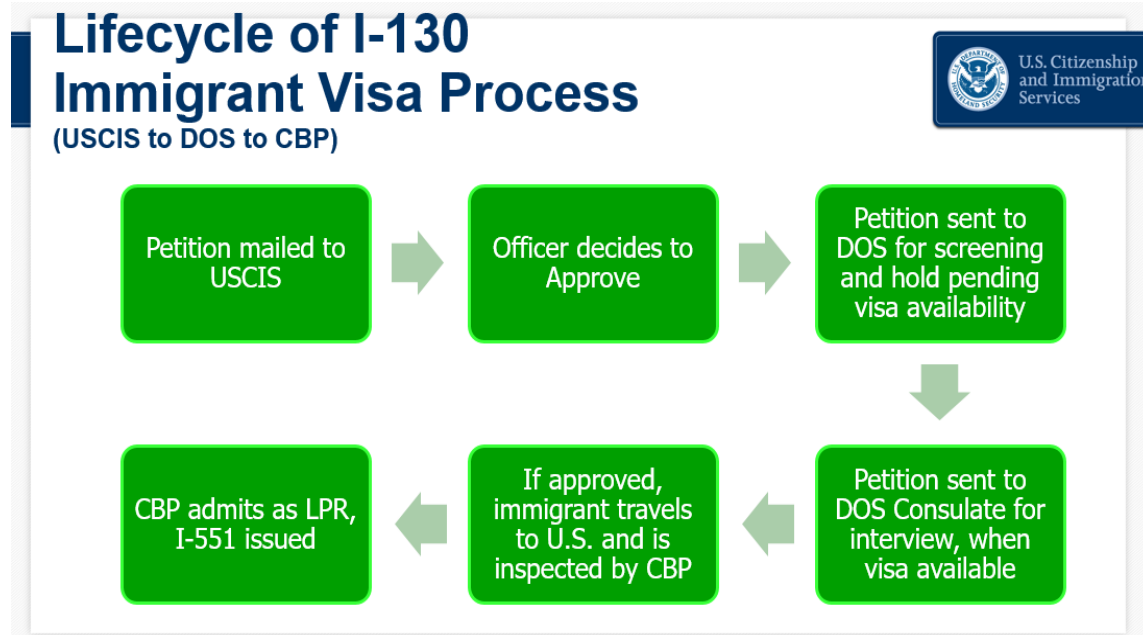
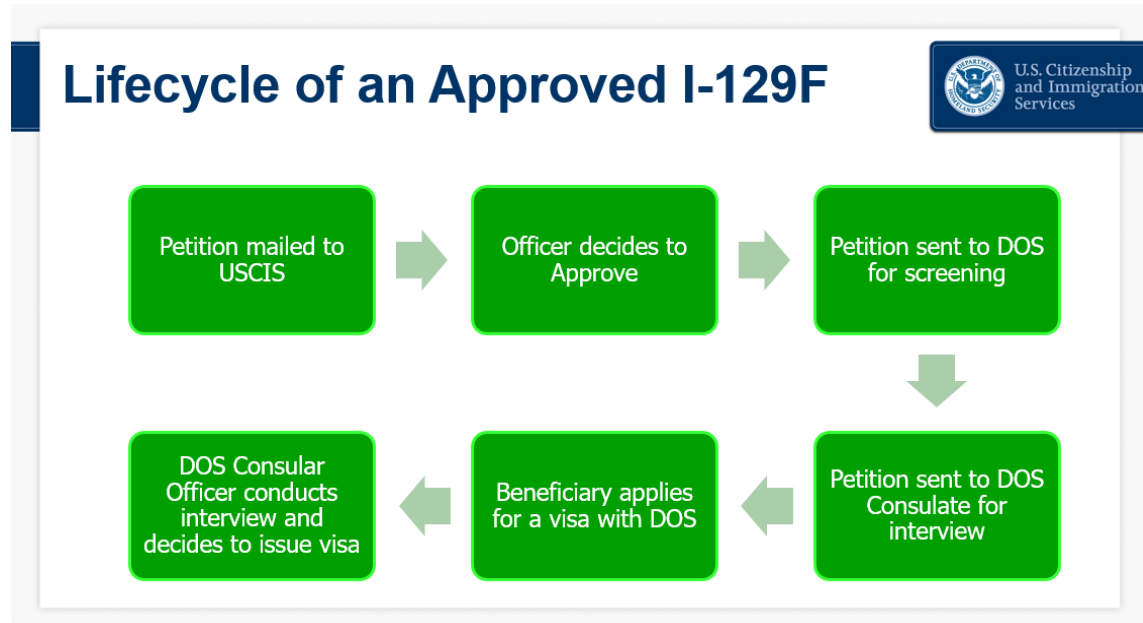


Figure 2: Process of petitioning for a fiancé visa from start to finish.<sup>49</sup>



<sup>48</sup> Director Cissna Letter, *supra* note 1.

<sup>49</sup> *Id.*

After the spouse or fiancé has moved to the United States—and in the case of a fiancé, married—the alien may file an application to adjust immigration status to a LPR, or what is commonly known as “green card”, status.<sup>50</sup> An application for adjustment of status must include a Form I-864, Affidavit of Support, signed by a sponsor or co-sponsors that agree to accept financial responsibility for the applicant.<sup>51</sup> A sponsor who completes the Affidavit for Support must be at least 18 years old.<sup>52</sup>

The Affidavit of Support requirement highlights a difference in the way that U.S. immigration law sets requirements for petitioning for immigration benefits versus adjustment of status for spouses and fiancés: although a minor can petition for an adult spouse or fiancé, a minor cannot legally sponsor his or her spouse to become a LPR. Adjusting to LPR status is an important step toward naturalization. A person with a green card is eligible to apply for U.S. citizenship after three years if they are married to a U.S. citizen.<sup>53</sup>

---

<sup>50</sup> See U.S. Citizenship & Immigration Services, Adjustment of Status, <https://www.uscis.gov/greencard/adjustment-of-status> (last updated Jan. 11, 2018).

<sup>51</sup> See U.S. Citizenship & Immigration Services, Instructions for Form I-130, Petition for Alien Relative, and Form I-130A, Supplemental Information for Spouse Beneficiary (last updated Feb. 27, 2018); U.S. Citizenship & Immigration Services, I-864, Affidavit of Support under Section 238A of the INA (last updated Sept. 18, 2018), <https://www.uscis.gov/i-864>.

<sup>52</sup> *Id.*

<sup>53</sup> See U.S. Citizenship & Immigration Services, Citizenship through Naturalization (last updated Apr. 11, 2018), <https://www.uscis.gov/us-citizenship/citizenship-through-naturalization>.

### III. DATA AND INFORMATION ABOUT CHILD MARRIAGES AND THE U.S. IMMIGRATION SYSTEM

---

On September 15, 2017, Chairman Johnson and former Ranking Member McCaskill sent a letter to then-Acting USCIS Director James McCament requesting a briefing and information about the application and petitioning process for fiancé and spousal visas when a minor is involved.<sup>54</sup> The letter also requested data about the number of immigration petitions for spouses and fiancés involving minors from FY2007 to FY2017, and information about the petitioners and beneficiaries, including age and country of origin.<sup>55</sup>

Committee staff received a briefing from USCIS on October 26, 2017.<sup>56</sup> USCIS officials confirmed that there is no prohibition on minors petitioning on behalf of spouses or fiancés, nor is there a prohibition against adults petitioning for these benefits on behalf of minors.<sup>57</sup> A USCIS official said that it is easier for a minor to petition for immigration benefits for a spouse or fiancé than it is to receive aspirin on a school field trip, as the latter generally requires parental consent.<sup>58</sup> USCIS was not able to provide any of the data requested in the Chairman and former Ranking Member’s letter at the October 2017 briefing.

On October 4, 2018, USCIS Director Lee Francis Cissna responded to the Chairman and former Ranking Member’s September 2017 inquiry.<sup>59</sup> The following presents a summary of the data.

#### **A. USCIS approved 8,686 immigration benefit petitions for a spouse or fiancé involving a minor<sup>60</sup> between FY2007 and FY2017.**

USCIS received 10,261 Form I-130 or I-129F petitions involving a minor as the beneficiary or petitioner from FY2007 to FY2017. Of those, 8,032 were Form I-130 petitions for visa eligibility for spouses to immigrate to the U.S., and 2,229 were Form I-129F petitions for visa eligibility for fiancés to immigrate to the U.S. See Table 1, below.

From FY2007 through FY2017, USCIS approved 7,083 out of the 8,032 petitions (or approximately 88 percent) for spousal visa eligibility with either a minor as the beneficiary or

---

<sup>54</sup> Letter from The Honorable Ron Johnson & The Honorable Claire McCaskill, Chairman and Ranking Member, S. Comm. on Homeland Sec. & Governmental Affairs, to James McCament, Acting Director, U.S. Citizenship & Immigration Services (Sept. 15, 2017) (on file with Comm. staff).

<sup>55</sup> *Id.*

<sup>56</sup> Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 26, 2017).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> The Appendix includes the October 4, 2018 response letter and additional information provided by USCIS with the letter. All data provided by USCIS is available on the Committee’s website with this report.

<sup>60</sup> For the purposes of the data provided by USCIS to the Committee, USCIS provided the following explanation for the term minor: “The term ‘minor’ as it pertains to marriage is not defined by the INA, and approximately half of all U.S. states have no minimum age requirement for marriage, but for these purpose “minor” generally means under the age of 18.” Director Cissna Letter, *supra* note 1.

petitioner.<sup>61</sup> From FY2007 through FY2017, USCIS approved 1,603 out of the 2,229 petitions (or approximately 72 percent) for fiancé immigration benefits with either a minor as the beneficiary or petitioner.<sup>62</sup> USCIS told Committee staff that in 95 percent of the cases, the girl was the younger spouse or fiancé.<sup>63</sup>

**Table 1: Petitions and Approvals of Form I-130 and I-129F Petitions Involving Minors, FY2007 to FY2017<sup>64</sup>**

I-130 (spouse) petitions with a minor involved			all spouse petitions	I-129F (fiance) petitions with a minor involved			all fiance petitions
fiscal year	received	approved		fiscal year	received	approved	
2007	1,102	950	240,195	2007	495	302	44,135
2008	850	685	222,019	2008	256	191	43,028
2009	927	803	327,861	2009	240	197	45,895
2010	840	745	264,931	2010	235	181	37,320
2011	847	792	255,919	2011	160	122	37,140
2012	718	653	269,131	2012	109	86	33,788
2013	646	591	282,145	2013	114	81	37,557
2014	591	557	366,725	2014	149	110	38,094
2015	598	523	313,547	2015	151	120	45,768
2016	582	528	335,909	2016	208	143	44,015
2017	331	256	280,148	2017	112	70	30,177
	<b>8,032</b>	<b>7,083</b>	<b>3,158,530</b>		<b>2,229</b>	<b>1,603</b>	<b>436,917</b>

**B. At least 4,749 minor spouses or fiancés adjusted to become LPRs between FY2007 and FY2017.**

USCIS reported that 4,749 minor spouses or fiancés received LPR status from FY2007 to FY2017.<sup>65</sup> Based on the timing of petition approvals, visa awards, and the subsequent application for LPR status, the universe of people awarded LPR status, or green cards, between FY2007 and FY2017 is different than the 8,686 petitions granted during that time. USCIS did not have information about the number of foreign nationals that obtained LPR status after having married minors in the United States.

Data provided by USCIS show that the State Department returns or rejects few spousal or fiancé immigrant visa petitions after they are approved by USCIS. USCIS reported to the Committee: “Between FY 2007 and FY 2017, approximately 2.6 percent of fiancé and spousal

<sup>61</sup> Comm. staff calculations drawn from the Director Cissna Letter, *supra* note 1.

<sup>62</sup> *Id.*

<sup>63</sup> Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 9, 2018).

<sup>64</sup> Comm. staff calculations drawn from the Director Cissna Letter, *supra* note 1.

<sup>65</sup> U.S. Citizenship & Immigration Services Response to Follow-up Questions from the Briefing Held on October 9, 2018 (on file with Comm. staff).

petitions [were] returned to USCIS. Of that total, approximately 37 percent [were] revoked.”<sup>66</sup> This suggests that the State Department likely awarded a visa to the spouse or fiancé of most of the 8,686 petitions.

**C. Approximately 75 percent of the petitions approved between FY2007 and FY2017 involved minors who were 17 years old. However, petitions during that time were approved involving children as young as 14 years old.**

Table 2, below, shows a breakdown by age of approved I-130 and I-129F petitions involving minors between FY2007 and FY2017. Approximately 75 percent involved petitioners or beneficiaries who were 17 years old. Thirty-eight petitions were awarded for spouses or fiancés who were 14 years old. USCIS approved 2 petitions involving children who were 13 years old; however, the State Department ultimately rejected those petitions.

USCIS provided data showing the number of approved petitions for I-130s and I-129Fs broken down by the age of both the petitioner and beneficiary. Table 3, below, shows that 170 petitions were approved for a spousal visa when both the petitioner and beneficiary were children. Thirty-four petitions were approved for a fiancé visa when both the petitioner and beneficiary were children. Between FY2007 and FY2017, a total of 204 petitions were approved where both the petitioner and beneficiary were children.

**Table 2: Age of Minor Involved in Spouse or Fiancé Petitions, FY2007- FY2017<sup>67</sup>**

Age	1-130 (spouse) approvals	1-129F (fiance) approvals	Combined approvals
13	**1	**1	**2
14	30	8	38
15	216	53	269
16	1,427	341	1,768
17	5,409	1,200	6,609
<b>Total</b>	<b>7,083</b>	<b>1,603</b>	<b>8,686</b>

<sup>66</sup> Director Cissna Letter, *supra* note 1.

<sup>67</sup> Director Cissna Letter, *supra* note 1. \*\*In both cases the Department of State terminated or refused the petition application.

**Table 3: Age of Minor Petitioners for Minor Beneficiaries, FY2007-FY2017<sup>68</sup>**

<b>Spousal and fiance petitions by minors for minor beneficiaries</b>						
<b>For I-130 (spousal) petitions</b>			<b>For I-129F (fiance) petitions</b>			<b>Total approved</b>
<b>Petitioner age</b>	<b>Beneficiary age</b>	<b>Approved</b>	<b>Petitioner age</b>	<b>Beneficiary age</b>	<b>Approved</b>	
15	17	2	15	17	1	3
			16	13	1	1
			16	15	1	1
16	16	12	16	16	2	14
16	17	24	16	17	4	28
17	15	4	17	15	1	5
17	16	21	17	16	9	30
17	17	107	17	17	15	122
		<b>170</b>			<b>34</b>	<b>204</b>

**D. Between FY2007 and FY2017, USCIS approved 5,556 petitions by U.S. adults for minor beneficiaries overseas and 2,926 petitions by U.S. minor children for adult beneficiaries overseas.**

USCIS provided data showing the number of approvals for I-130 and I-129F petitions broken down by the age of both the petitioner and the beneficiary, which helps understand how U.S. children and adults are trying to sponsor visas for their spouses or fiancés in other countries. See Table 4 and Table 5, below. USCIS approved 5,556 petitions for U.S. adults applying for minor beneficiaries. USCIS approved 2,926 petitions for U.S. children applying for adult beneficiaries in other countries. USCIS approved 149 petitions involving adult spouse or fiancé who were more than 40 years old. USCIS approved 28 petitions for U.S. adults who were 50 years old or over applying for a spouse or fiancé petition for a minor.

<sup>68</sup> Comm. staff calculations drawn from the Director Cissna Letter, *supra* note 1.

**Table 4: Age Ranges of Adult Petitioners for Minor Beneficiaries, FY2007-FY2017<sup>69</sup>**

<b>I-130 (spousal) petitions by adults for minor beneficiaries</b>		<b>I-129F (fiance) petitions by adults for minor beneficiaries</b>		Total approved
Petitioner age range	Approved	Petitioner age range	Approved	
18-19	725	18-19	119	844
20s	3,239	20s	717	3,956
30s	444	30s	166	610
40s	78	40s	40	118
50s	12	50s	11	23
60+	3	60+	2	5
	<b>4,501</b>		<b>1,055</b>	<b>5,556</b>

**Table 5: Age Ranges of Adult Beneficiaries by Minor Petitioners, FY2007-FY2017<sup>70</sup>**

<b>I-130 (spousal) petitions by minors for adult beneficiaries</b>		<b>I-129F (fiance) petitions by minors for adult beneficiaries</b>		Total approved
Beneficiary age range	Approved	Beneficiary age range	Approved	
18-19	529	18-19	105	634
20s	1,808	20s	397	2,205
30s	72	30s	12	84
40s	3	40s	0	3
	<b>2,412</b>		<b>514</b>	<b>2,926</b>

**E. Mexican national beneficiaries had the highest number of spouse and fiancé visa petitions involving minors approved from FY2007 to FY2017. During that time, Middle Eastern national beneficiaries had the highest percent of approved petitions involving a minor as compared to their overall number of petitions for spousal or fiancé immigration benefits.**

Table 6, below, shows the breakdown of the number of received and approved spousal and fiancé petitions involving minors broken down by the beneficiary's country of birth. The largest number of petitions received and approved involved spouses or fiancés from Mexico. Table 7, below, shows the percent of spousal and fiancé petitions involving minors approved by

---

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

country of origin as compared to all spousal and fiancé petitions awarded for beneficiaries by country. Jordan, Iraq, Lebanon, Pakistan and Yemen had the highest rates.

**Table 6: I-130 and I-129F Petitions Involving Minors Approved Between FY2007-FY2017, by Country<sup>71</sup>**

<b>I-130 (spousal) petitions involving a minor</b>			<b>I-129F (fiance) petitions involving a minor</b>		
Beneficiary country of birth	Received	Approved	Beneficiary country of birth	Received	Approved
Mexico	3,297	3,123	Mexico	444	338
Pakistan	580	554	Pakistan	237	189
Jordan	541	509	not available	106	71
Dominican Republic	363	293	Yemen	97	51
Yemen	277	233	Dominican Republic	94	62
Iraq	227	207	Iraq	94	72
not available	174	144	Jordan	78	63
Guatemala	143	122	Lebanon	69	49
Lebanon	139	126	Syria	67	50
Colombia	131	102	Afghanistan	66	49
Israel	129	118	India	52	41
rest of world	2,031	1,552	rest of world	825	568
	<b>8,032</b>	<b>7,083</b>		<b>2,229</b>	<b>1,603</b>

---

<sup>71</sup> *Id.*



**Table 7: Top Birth Country for Spousal and Fiancé Petition Beneficiaries Involving Minors as a Percentage of Total, FY2007-FY2017<sup>72</sup>**

I-130 (spousal) petitions involving a minor					I-129F (fiance) petitions involving a minor				
Beneficiary country of birth	Received	Approved	All I-130 approvals	Minors as percent of total	Beneficiary country of birth	Received	Approved	All I-129F approvals	Minors as percent of total
Jordan	541	509	16,532	3.1%	Yemen	97	51	1,250	4.1%
Iraq	227	207	7,463	2.8%	Jordan	78	63	1,942	3.2%
Yemen	277	233	14,679	1.6%	Iraq	94	72	2,282	3.2%
Lebanon	139	126	9,199	1.4%	Pakistan	237	189	7,214	2.6%
Pakistan	580	554	45,887	1.2%	Lebanon	69	49	2,231	2.2%
Israel	129	118	18,872	0.6%	Syria	67	50	2,392	2.1%
Mexico	3,297	3,123	821,212	0.4%	Afghanistan	66	49	2,677	1.8%
Guatemala	143	122	48,104	0.3%	Mexico	444	338	27,430	1.2%
Dominican Rep	363	293	160,926	0.2%	Dominican Rep	94	62	14,056	0.4%
Colombia	131	102	81,403	0.1%	India	52	41	12,131	0.3%
not available	174	144			not available	106	71		
rest of world	2,031	1,552	1,934,253	0.1%	rest of world	825	568	363,312	0.2%
	<b>8,032</b>	<b>7,083</b>	<b>3,158,530</b>	<b>0.2%</b>		<b>2,229</b>	<b>1,603</b>	<b>436,917</b>	<b>0.4%</b>

<sup>72</sup> *Id.*

#### IV. WEAKNESSES IN USCIS'S MANAGEMENT AND ADMINISTRATION OF SPOUSAL AND FIANCÉ IMMIGRATION PETITIONS.

---

The Committee's oversight identified weaknesses in USCIS's management and administration of spousal and fiancé immigration petitions. First, USCIS's continued reliance on a paper-based system for adjudicating immigration benefits hindered the agency's ability to conduct an analysis to understand whether the U.S. immigration system encourages child marriages. In his October 2018 response, Director Cissna explained, "compiling and analyzing the requested data took longer than expected."<sup>73</sup> Collecting, analyzing, and verifying the information took more than 1,000 employee hours.<sup>74</sup> Factors contributing to the long delay included: USCIS's paper-based system for petitions, the absence of an ability to share information electronically, and extensive work that the agency conducted to address potential data entry errors in electronic files, which required a manual review to verify the age of petitioners and beneficiaries.<sup>75</sup>

USCIS's response highlighted the agency's data management and data integrity challenges. The DHS Office of Inspector General and Government Accountability Office have repeatedly warned Congress about USCIS's data management challenges, including its ongoing and incomplete information technology transformation.<sup>76</sup> Since 2005, USCIS has been attempting to transition from a paper-based immigration benefits system to the Electronic Immigration System (ELIS).<sup>77</sup> ELIS, however, has been plagued by problems. The original cost estimate of the program started at \$536 million, and as of 2017 has been estimated at \$3.1 billion.<sup>78</sup> The agency's continued reliance on paper files limits the ability to analyze data and to identify, investigate, or analyze potential problems.<sup>79</sup> In this case, USCIS's analysis—to respond to the Committee's inquiry—required reviewing electronic data as well as paper files to determine how many minors received immigration benefits.<sup>80</sup> This process took longer than one year.

---

<sup>73</sup> Director Cissna Letter, *supra* note 1.

<sup>74</sup> Comm. staff briefing with U.S. Citizenship and Immigration Services (Oct. 9, 2018).

<sup>75</sup> Comm. majority staff phone conference with U.S. Citizenship & Immigration Services (Sept. 24, 2018) (notes on file with Comm. majority staff); email from U.S. Citizenship & Immigration Services to Comm. majority staff (Sept. 24, 2018) (on file with Comm. majority staff). While collecting the information to respond, USCIS discovered several years of data entry errors by the petitioner and USCIS employees and contractors. For example, petitions had the incorrect birth year or requested the incorrect visa category.

<sup>76</sup> The Government Accountability Office and the DHS Office of Inspector General have released approximately 14 reports pertaining to U.S. Citizenship & Immigration Services' Transformation Program. *See, e.g.*, U.S. Gov't Accountability Office, GAO-17-486T, Immigration Benefits System: Significant Risks in USCIS's Efforts to Develop its Adjudication and Case Management System (2017); DHS Office of Inspector General, OIG-17-26-MA, USCIS Use of the Electronic Immigration System for Naturalization Benefits Processing (Mar. 2017).

<sup>77</sup> *Immigration Benefits Vetting Examining Critical Weaknesses in USCIS Systems: Hearing Before the House Comm. on Homeland Security, Subcommittee on Oversight and Management Efficiency*, 115<sup>th</sup> Cong. (2017) (statement of Lori Scialabba, Acting Director of U.S. Citizenship & Immigration Services).

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 9, 2018).

USCIS's response to the Committee's letter also led to the discovery of several data entry errors and faulty processes. USCIS Director Cissna wrote in his October 4 response letter:

USCIS developed two solutions to prevent manual data entry errors in the future. The first solution is a flag that sends an alert at the time of filing if a minor spouse or fiancé is identified. After the initial flag, the case is sent to a special unit that verifies that the age and relationship listed are correct before the petition is accepted. If the classification on the petition is incorrect, the petition will be returned to the petitioner for correction. The second enhancement that USCIS has implemented is the creation of a flag in the electronic system that requires verification of the date of birth at the time of adjudication whenever a minor spouse or fiancé is detected.<sup>81</sup>

Nevertheless, USCIS's continued reliance on a paper-based system hinders the agency's ability to identify and prevent fraud, trafficking, and other vulnerabilities.

Second, USCIS's process for reviewing immigration benefit petitions for spouses or fiancés does not require an in-person meeting or, in the case of a minor, a parent to co-sign the petition.<sup>82</sup> This limits USCIS's ability to identify and prevent forced marriages, child exploitation, or fraud. The Committee asked USCIS for information about how often the in-person meeting requirement for I-129F petitions was waived, as well as for information regarding the number of K-1 visas (for immigrating spouses) that resulted in a marriage after the beneficiary moved to the United States. The in-person meeting requirement is one way to ensure that the planned marriage is valid. However, USCIS reported that the percentage of these waivers is not captured or tracked within USCIS's data system. USCIS further reported that it "does not track the percentage of persons who enter the United States with a K-1 fiancé visa and do not get married."<sup>83</sup> This creates the potential for applicants to fraudulently or inappropriately obtain immigration benefits, particularly when minors are the applicants or beneficiaries.

---

<sup>81</sup> Director Cissna Letter, *supra* note 1.

<sup>82</sup> Comm. staff briefing with U.S. Citizenship & Immigration Services (Oct. 26, 2017).

<sup>83</sup> Director Cissna Letter, *supra* note 1.

## **V. CONCLUSION**

---

The United States advocates for preventing and reducing the risks of child marriages occurring around the world, but data provided to the Committee reveal that the U.S. government approved thousands of petitions and visas for spousal or fiancé immigration benefits for marriages involving minors from FY2007 to FY2017. During this period, 4,749 minors who entered the country using spousal or fiancé visas obtained green cards. If we are truly serious about upholding stated U.S. policy to prevent child marriages and protect children from potential abuse and harm, Congress must reform the INA to prevent individuals from obtaining immigration benefits that facilitate child marriages.

## **APPENDIX**

---

RON JOHNSON, WISCONSIN, CHAIRMAN

JOHN McCAIN, ARIZONA  
ROB PORTMAN, OHIO  
RAND PAUL, KENTUCKY  
JAMES LANKFORD, OKLAHOMA  
MICHAEL B. ENZI, WYOMING  
JOHN HOEVEN, NORTH DAKOTA  
STEVE DAINES, MONTANA

CLAIRE McCASKILL, MISSOURI  
THOMAS R. CARPER, DELAWARE  
JON TESTER, MONTANA  
HEIDI HEITKAMP, NORTH DAKOTA  
GARY C. PETERS, MICHIGAN  
MARGARET WOOD HASSAN, NEW HAMPSHIRE  
KAMALA D. HARRIS, CALIFORNIA

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

September 15, 2017

Mr. James McCament  
Acting Director  
U.S. Citizenship and Immigration Services  
Washington, DC 20529

Dear Acting Director McCament:

The Committee on Homeland Security and Governmental Affairs is examining the issue of forced and child marriages in the context of our immigration system. As such, we request your assistance in understanding how the U.S. Citizenship and Immigration Services (USCIS) assesses petitions for fiancé(e) and spousal visas.

As you may know, a forced marriage is a marriage in which one or both parties is married without his or her consent or against his or her will.<sup>1</sup> A child marriage, on the other hand, is a marriage in which one or both of the parties are under 18 years of age.<sup>2</sup> The State Department views forced marriage as “a human rights abuse and, in the case of minors, a form of child abuse.”<sup>3</sup> Human rights advocates report that individuals may exploit our immigration system to force people into marriage, including minors, or to deter reports of marital abuse. The Council on Foreign Relations concluded that “child marriage is undoubtedly a violation of human rights,” explaining that “[a]lthough child marriage is uncommon in Western democracies such as the United States, the United Kingdom, Canada, and Australia, recent studies suggest that immigrant and diaspora populations in these countries are perpetuating the practice.”<sup>4</sup>

In addition to human rights concerns, forced or child marriages may create vulnerabilities in the U.S. immigration system. For example, there is no federal prohibition on minors petitioning for immigration benefits for potential spouses or fiancé(e)s, or for U.S. adults from petitioning for fiancé(e) or spousal visas for foreign

---

<sup>1</sup> U.S. Passports & International Travel, *Forced Marriage*, U.S. Department of State, <https://travel.state.gov/content/passports/en/emergencies/forced.html> (last visited Aug. 3, 2017).

<sup>2</sup> UNICEF, *Child Protection from Violence, Exploitation, and Abuse: Child Marriage*, available at [https://www.unicef.org/protection/57929\\_58008.html](https://www.unicef.org/protection/57929_58008.html) (last updated Aug. 29, 2016) (potential harm to the child includes abandoning education, pregnancy complication for girls, violence, abuse, and exploitation).

<sup>3</sup> U.S. Passports & International Travel, *Forced Marriage*, U.S. Department of State, <https://travel.state.gov/content/passports/en/emergencies/forced.html> (last visited Aug. 3, 2017).

<sup>4</sup> Rachel B. Vogelstein, *Ending Child Marriage: How Elevating the Status of Girls Advances U.S. Foreign Policy Objectives*, Council on Foreign Relations (May 2013), <http://www.girlsnotbrides.org/reports-and-publications/ending-child-marriage-how-elevating-the-status-of-girls-advances-u-s-foreign-policy-objectives/>.

nationals who are minors.<sup>5</sup> Fraidy Reiss, founder of the non-governmental organization Unchained at Last and herself the victim of a forced marriage, explained that when the minor is the U.S. citizen, “families of young brides will often promise American citizenship to a foreign husband in lieu of paying a dowry.”<sup>6</sup> Additionally, U.S. citizens may exploit the immigration system by persuading their immigrating fiancé(e) not to apply for naturalization and using the threat of deportation to deter the victim from reporting abuse.<sup>7</sup> In this way, our immigration system may unintentionally shield the abuse of women and children.

Given these concerns, we respectfully request that you work in conjunction with DHS management and the DHS Inspector General to identify solutions that might address the flaws in our immigration system that facilitate the exploitation of minors and immigrants alike. Additionally, to help our understanding of the scope of this issue, we ask that you provide a briefing for Committee staff and include the following information:

1. The number of petitions for fiancé(e) visas filed with USCIS from 2007 to the present, by year, in which either the petitioner or the beneficiary was a minor. Please include:
  - a. The ages of both parties at the time of petition;
  - b. The country of birth of the fiancé(e);
  - c. The number of fiancé(e) petitions approved;
  - d. Of those petitions approved, the number that later petitioned for a U- or T-Visa; and
  - e. The number of U- or T-Visas approved.
  
2. The number of petitions for a spousal visas filed with USCIS from 2007 to the present, by year, in which either the petitioner or the beneficiary was a minor. Please include:
  - a. The ages of both parties at the time of petition;
  - b. The country of birth of the alien spouse; and
  - c. The number of petitions approved;
  - d. Of those petitions approved, the number that later petitioned for a U- or T-Visa; and
  - e. The number of U- or T-Visas approved.

---

<sup>5</sup> *Fiancé(e) Visas*, U.S. Citizenship and Immigration Services (July 17, 2015), <https://www.uscis.gov/family/family-us-citizens/fiancée-visa/fiancée-visas>.

<sup>6</sup> Jennifer Ludden, *Thousands of Young Women In U.S. Forced Into Marriage*, NPR (Apr. 14, 2015), <http://www.npr.org/sections/goatsandsoda/2015/04/14/399337562/thousands-of-young-women-in-u-s-forced-into-marriage>.

<sup>7</sup> Unchained At Last, *About Arranged/Forced Marriages*, <http://www.unchainedatlast.org/about-arranged-forced-marriage/>.

Mr. James McCament  
September 15, 2017  
Page 3

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”<sup>8</sup> Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine “the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.”<sup>9</sup>

If you have any questions about this request, and to arrange a briefing, please contact Melissa Egred of the Majority Committee staff at (202) 224-4751 and Caitlin Warner of the Minority Committee staff at (202) 224-1187. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Chairman



Claire McCaskill  
Ranking Member

cc: The Honorable Elaine Duke  
Acting Secretary  
Department of Homeland Security

The Honorable John Roth  
Inspector General  
Department of Homeland Security

---

<sup>8</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>9</sup> S. Res. 62 § 12, 115th Cong. (2017).





U.S. Citizenship  
and Immigration  
Services

October 4, 2018

The Honorable Ron Johnson  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Chairman Johnson:

Thank you for your September 15, 2017 letter to then Acting Director McCament regarding forced and minor marriages in the context of our immigration system. Additionally, thank you for your patience as compiling and analyzing the requested data took longer than expected.

Your inquiry elicited multiple discussions on what U.S. Citizenship and Immigration Services (USCIS) can do to prevent forced minor marriages. Currently, there are no statutory age requirements associated with petitioning for a spouse or being listed as the spousal beneficiary on Form I-130, Petition for Alien Relative. In addition, there are no legal provisions that require the Form I-129F, Petition for Alien Fiancé(e), petitioner or beneficiary be a minimum age at the time of filing. However, USCIS will not approve a petition where either the beneficiary or petitioner's age at marriage violates the laws of the place of celebration or the public policy of the U.S. state in which the couple plans to reside. An approved Form I-129F or Form I-130 means only that USCIS recognized the claimed relationship between the petitioner and beneficiary, but the approval of the petition in and of itself does not grant any immigration benefits. The approval of these forms does not permit the beneficiary to travel to the United States nor does it guarantee that the Department of State will issue the visa.

While collecting the information in response to your request, USCIS discovered several data integrity issues caused by a combination of years of manual data entry errors and petitioner errors, such as an incorrect birth year or incorrect selection of the requested visa category on the form. To resolve the data integrity issues, USCIS compared the data in various electronic systems and conducted a manual review of cases to identify and correct false positives (*i.e.*, cases where the petitioner or beneficiary was not actually a minor or where the individual was a derivative beneficiary/child, rather than the principal beneficiary/spouse).

While working on a response to your letter, USCIS developed two solutions to prevent manual data entry errors in the future. The first solution is a flag that sends an alert at the time of filing if a minor spouse or fiancé is identified. After the initial flag, the case is sent to a special unit that verifies that the age and relationship listed are correct before the petition is accepted. If the classification on the petition is incorrect, the petition will be returned to the petitioner for correction.

The second enhancement that USCIS has implemented is the creation of a flag in the electronic system that requires verification of the date of birth at the time of adjudication whenever a minor spouse or fiancé is detected. Furthermore, the forms used by USCIS have evolved over the last 10 years. The newer, updated forms are easier to navigate and have a lower rate of data entry errors compared to earlier versions of the forms. USCIS is continuing to explore further solutions and modifications to decrease manual data entry errors.

As requested, USCIS officials met with committee staff on October 26, 2017, and on June 7, 2018 to discuss this issue. USCIS welcomes the opportunity to brief your staff again with the finalized data enclosed and to explain our method of collecting, correcting, and analyzing the information we found.

Thank you again for your letter and for speaking with me this spring so I could provide you with an overview of the actions being taken to address your inquiry. Ranking Member McCaskill, who co-signed the letter, will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,



L. Francis Cissna  
Director

Enclosures

**U.S. Citizenship and Immigration Services Response to  
Follow-up Questions from the Briefing Held on October 26, 2017**

- 1. Provide the total number of marriage-based petitions file by Fiscal Year (FY) for FY 2007 to FY 2017.**

Please see Table 1 below.

**Table 1**

<b>U.S. Citizenship &amp; Immigration Services (USCIS) Form I-129F, Petition for Alien Fiancé(e) Form I-130, Petition for Alien Relative (Spousal Petitions) Receipts by Fiscal Year FY 2007 – FY 2017</b>	
<b>Receipt</b>	<b>Total</b>
<b>Fiscal Year</b>	<b>Spousal Receipts</b>
2007	403,512
2008	327,423
2009	333,875
2010	343,467
2011	372,386
2012	374,474
2013	414,863
2014	405,677
2015	400,733
2016	455,131
2017	504,302
<b>Grand Total</b>	<b>4,335,843</b>

Note: The report reflects the most up-to-date data available at the time the report is generated. Cases may have been adjudicated in a later year than the one in which they were received.

- 2. What percentage of K-1s receive a waiver to the in-person meeting requirement?**

This level of information is not captured within USCIS data systems.

- 3. What percentage of K-1s don't get married after entry?**

USCIS does not track the percentage of persons who enter the United States with a K-1 fiancé visa and do not get married.

**4. What percentage of spousal immigrant visa petitions get returned by the Department of State to USCIS? Of those, what percentage are revoked by USCIS?**

Between FY 2007 and FY 2017, approximately 2.6 percent of fiancé and spousal petitions are returned to USCIS. Of that total, approximately 37 percent are revoked.

**U.S. Citizenship and Immigration Services**

**For the tables below, please note:**

- 1) The report reflects the most up-to-date data available at the time the report is generated.
- 2) Petitions may have been adjudicated in a later year than the one in which they were received.
- 3) Petitions with erroneous age values removed from the counts.
- 4) Beneficiary and Petitioner age for pending petitions is calculated from date the database was queried.
- 5) Not available means the data is not available in the electronic systems.
- 6) Approved petitions are reported by the fiscal year in which they were received.
- 7) The term "minor" as it pertains to marriage is not defined by the INA, and approximately half of all U.S. states have no minimum age requirement for marriage, but for these purposes "minor" generally means under the age of 18
- \*8) Approved and pending cases were manually reviewed and updated electronically where evidence existed that the beneficiary/petitioner date of birth or the beneficiary class of admission was incorrect in the electronic systems. The data for denied petitions is reported as it exists in the electronic systems. USCIS assumes a similar data error rate for these petitions.

**I-130**

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Receipt Fiscal Year Receipt Fiscal Year 2007 - 2017			
Receipt FY	Minor Receipts	Minor Approvals	All I-130 Petition for Alien Spouse Approvals
2007	1,102	950	240,195
2008	850	685	222,019
2009	927	803	327,861
2010	840	745	264,931
2011	847	792	255,919
2012	718	653	269,131
2013	646	591	282,145
2014	591	557	366,725
2015	598	523	313,547
2016	582	528	335,909
2017	331	256	280,148
<b>Grand Total</b>	<b>8,032</b>	<b>7,083</b>	<b>3,158,530</b>

**I-129F**

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Receipt Fiscal Year Receipt Fiscal Year 2007 - 2017			
Receipt FY	Receipts	Approvals	All I-129F Approvals
2007	495	302	44,135
2008	256	191	43,028
2009	240	197	45,895
2010	235	181	37,320
2011	160	122	37,140
2012	109	86	33,788
2013	114	81	37,557
2014	149	110	38,094
2015	151	120	45,768
2016	208	143	44,015
2017	112	70	30,177
<b>Grand Total</b>	<b>2,229</b>	<b>1,603</b>	<b>436,917</b>

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Top 10 Beneficiary Country of Birth based on Receipts Receipt Fiscal Year 2007 - 2017		
Top 10 Ben Country of Birth	Receipts	Approval
Mexico	3,297	3,123
Pakistan	580	554
Jordan	541	509
Dominican Republic	363	293
Yemen	277	233
Iraq	227	207

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Top 10 Beneficiary Country of Birth based on Receipts Receipt Fiscal Year 2007 - 2017		
Top 10 Ben Country of Birth	Receipts	Approval
Mexico	444	338
Pakistan	237	189
Not available	106	71
Yemen	97	51
Dominican Republic	94	62
Iraq	94	72

**U.S. Citizenship and Immigration Services**

Not available	174	144
Guatemala	143	122
Lebanon	139	126
Colombia	131	102
Israel	129	118
Rest of World	2,031	1,552
<b>Grand Total</b>	<b>8,032</b>	<b>7,083</b>

Jordan	78	63
Lebanon	69	49
Syria	67	50
Afghanistan	66	49
India	52	41
Rest of World	825	568
<b>Grand Total</b>	<b>2,229</b>	<b>1,603</b>

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Age of Minor Receipt Fiscal Year 2007 - 2017 *8		
Minor Age	Receipts	Approvals
0	0	0
1	5	0
2	21	0
3	16	0
4	23	0
5	28	0
6	19	0
7	31	0
8	42	0
9	48	0
10	50	0
11	34	0
12	31	0
13	46	1
14	88	30
15	282	216
16	1,550	1,427
17	5,718	5,409
<b>Grand Total</b>	<b>8,032</b>	<b>7,083</b>

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Age of Minor Receipt Fiscal Year 2007 - 2017 *8		
Minor Age	Receipts	Approvals
0	0	0
1	12	0
2	16	0
3	11	0
4	17	0
5	15	0
6	12	0
7	14	0
8	19	0
9	21	0
10	21	0
11	26	0
12	13	0
13	17	1
14	30	8
15	94	53
16	436	341
17	1,455	1,200
<b>Grand Total</b>	<b>2,229</b>	<b>1,603</b>

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Approvals
13	55	1
14	18	1
14	20	4
14	21	2
14	22	5

INA 203(g) termination by DOS

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Receipts
13	16	1
14	19	1
14	20	1
14	22	1
14	27	1

Visa Refused by DOS

U.S. Citizenship and Immigration Services

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Approvals
14	23	2
14	24	2
14	25	1
14	26	1
14	27	1
14	28	1
14	30	2
14	32	1
14	36	1
14	47	1
15	17	4
15	18	3
15	19	15
15	20	18
15	21	16
15	22	22
15	23	10
15	24	18
15	25	11
15	26	9
15	27	17
15	28	3
15	29	6
15	30	4
15	31	3
15	32	5
15	33	1
15	34	1
15	35	1
15	36	1
15	39	2
15	41	1
15	43	1
15	46	1
15	48	1
15	49	1
16	16	12
16	17	21
16	18	44
16	19	93
16	20	102

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Receipts
14	28	1
14	30	1
14	36	1
15	16	1
15	17	1
15	19	3
15	20	3
15	21	2
15	22	5
15	23	1
15	24	5
15	25	4
15	26	1
15	27	2
15	28	3
15	30	1
15	32	3
15	34	1
15	39	1
15	40	1
16	16	2
16	17	9
16	18	11
16	19	14
16	20	18
16	21	14
16	22	20
16	23	26
16	24	21
16	25	17
16	26	14
16	27	11
16	28	6
16	29	4
16	30	5
16	31	5
16	32	3
16	33	4
16	34	2
16	35	1
16	37	1

U.S. Citizenship and Immigration Services

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Approvals
16	21	105
16	22	82
16	23	100
16	24	75
16	25	64
16	26	57
16	27	54
16	28	40
16	29	38
16	30	24
16	31	7
16	32	16
16	33	6
16	34	9
16	35	7
16	36	8
16	37	2
16	38	5
16	39	1
16	40	2
16	41	3
16	42	1
16	43	1
16	44	2
16	45	3
16	46	1
16	48	1
16	52	1
16	53	1
16	55	1
16	68	1
17	15	2
17	16	24
17	17	107
17	18	238
17	19	331
17	20	396
17	21	378
17	22	335
17	23	295
17	24	209

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Receipts
16	38	1
16	40	2
16	41	2
16	43	1
16	44	2
17	15	1
17	16	4
17	17	15
17	18	42
17	19	48
17	20	60
17	21	71
17	22	60
17	23	58
17	24	57
17	25	41
17	26	67
17	27	50
17	28	35
17	29	37
17	30	31
17	31	30
17	32	17
17	33	14
17	34	10
17	35	11
17	36	8
17	37	7
17	38	5
17	39	3
17	40	3
17	41	1
17	42	4
17	43	8
17	44	4
17	45	3
17	46	5
17	47	2
17	48	1
17	49	1
17	50	2



U.S. Citizenship and Immigration Services

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Approvals
17	25	198
17	26	188
17	27	164
17	28	111
17	29	99
17	30	86
17	31	49
17	32	42
17	33	34
17	34	38
17	35	24
17	36	19
17	37	16
17	38	15
17	39	14
17	40	12
17	41	14
17	42	5
17	43	5
17	44	1
17	45	10
17	46	2
17	47	6
17	49	3
17	50	2
17	53	2
17	54	2
17	55	2
17	60	1
17	71	1
18	15	2
18	16	38
18	17	198
19	15	2
19	16	65
19	17	224
20	14	1
20	15	9
20	16	48
20	17	276
21	15	6

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Receipts
17	51	1
17	52	1
17	53	1
17	54	1
17	55	1
17	56	1
17	57	1
17	58	1
17	59	1
17	60	1
17	61	1
18	15	2
18	16	13
18	17	31
19	15	4
19	16	12
19	17	43
20	14	1
20	15	1
20	16	18
20	17	60
21	15	1
21	16	15
21	17	49
22	15	1
22	16	9
22	17	35
23	15	2
23	16	12
23	17	52
24	15	2
24	16	12
24	17	28
25	16	11
25	17	24
26	15	1
26	16	7
26	17	18
27	16	4
27	17	12
28	16	6

U.S. Citizenship and Immigration Services

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Approvals
21	16	61
21	17	261
22	15	3
22	16	52
22	17	214
23	14	1
23	15	5
23	16	42
23	17	187
24	15	3
24	16	25
24	17	172
25	15	3
25	16	24
25	17	125
26	15	1
26	16	16
26	17	92
27	14	1
27	15	2
27	16	18
27	17	72
28	15	2
28	16	11
28	17	50
29	15	1
29	16	3
29	17	21
30	16	3
30	17	21
31	16	1
31	17	15
32	16	1
32	17	9
33	16	4
33	17	6
34	17	6
35	16	1
35	17	2
36	17	1
38	14	1

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Receipts
28	17	9
29	16	1
29	17	6
30	17	5
31	16	1
31	17	2
32	17	1
33	17	2
34	17	1
<b>Grand Total</b>		<b>1,603</b>

U.S. Citizenship and Immigration Services

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Approvals
38	17	1
40	17	1
44	17	1
48	14	1
<b>Grand Total</b>		<b>7,083</b>

U.S. Citizenship & Immigration Services Form I-129F, Petition for Alien Fiancé(e) Spousal Approvals with Either a Minor Beneficiary or Petitioner By Beneficiary and Petitioner Age Receipt Fiscal Year 2007 - 2017		
Beneficiary Age	Petitioner Age	Receipts

**U.S. Citizenship and Immigration Services Response to  
Follow-up Questions from the Briefing Held on October 9, 2018**

Thank you for the opportunity to meet with you to provide data on marriages involving minors. In follow up to your questions during the briefing the following responses are provided.

**1) Provide rate of minor petition and nationality?**

The below chart represents the top 10 nations represented in I-130 spousal petitions involving a minor party. A full list of all nationalities is attached.

<b>U.S. Citizenship and Immigration Services Form I-130, Petition for Alien Relative Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner By Top 10 Beneficiary Country of Birth based on Receipts Receipt Fiscal Year 2007 – 2017</b>				
<b>Top 10 Ben Country of Birth</b>	<b>Minor Receipts</b>	<b>Minor Approvals</b>	<b>Total Approvals</b>	<b>Minor Approvals / Total</b>
Jordan	541	509	16,532	3.1%
Iraq	227	207	7,463	2.8%
Yemen	277	233	14,679	1.6%
Lebanon	139	126	9,199	1.4%
Pakistan	580	554	45,887	1.2%
Israel	129	118	18,872	0.6%
Mexico	3,297	3,123	821,212	0.4%
Guatemala	143	122	48,104	0.3%
Dominican Republic	363	293	160,926	0.2%
Colombia	131	102	81,403	0.1%
Not available	174	144		
Rest of World	2,031	1,552	1,934,253	0.1%
<b>Grand Total</b>	<b>8,032</b>	<b>7,083</b>	<b>3,158,530</b>	<b>0.2%</b>

The below chart represents the top 10 nations represented in I-129F fiancé(e) petitions involving a minor party. A full list of all nationalities is attached.

<b>U.S. Citizenship &amp; Immigration Services                      Form I-129F, Petition for Alien Fiancé(e)                      Spousal Receipts and Approvals with Either a Minor Beneficiary or Petitioner                      By Top 10 Beneficiary Country of Birth based on Receipts                      Receipt Fiscal Year 2007 - 2017</b>				
<b>Top 10 Ben Country of Birth</b>	<b>Minor Receipts</b>	<b>Minor Approvals</b>	<b>Total Approvals</b>	<b>Minor Approvals / Total</b>
Yemen	97	51	1,250	4.1%
Jordan	78	63	1,942	3.2%
Iraq	94	72	2,282	3.2%
Pakistan	237	189	7,214	2.6%
Lebanon	69	49	2,231	2.2%
Syria	67	50	2,392	2.1%
Afghanistan	66	49	2,677	1.8%
Mexico	444	338	27,430	1.2%
Dominican Republic	94	62	14,056	0.4%
India	52	41	12,131	0.3%
Not available	106	71		
Rest of World	825	568	363,312	0.2%
<b>Grand Total</b>	<b>2,229</b>	<b>1,603</b>	<b>436,917</b>	<b>0.4%</b>

**2) Can a parent sign an affidavit of support for a minor petitioner?**

Approval of a petition is the first step in the family-based immigration process. There are no legal age requirements for someone to petition for or to be the beneficiary of an I-130 petition for a spouse or an I-129F petition for a fiancé(e). However, when a foreign national applies to adjust status to become a lawful permanent resident, or to consular process from overseas via an Immigrant Visa, a Form I-864, Affidavit of Support, is usually required. The petitioner must be listed as the sponsor on Form I-864, and by statute the sponsor must be at least 18 years of age to legally execute the document. There are no exceptions to this requirement, and a minor sponsor cannot add another person as a joint sponsor to overcome this statutory age requirement.

3) How many people actually came to the U.S. after approval of an I-130/I-129F?

U.S. Citizenship and Immigration Services New Arrival and Adjustment of Status Beneficiary Under 18 years old at time of LPR Status Spouse and Fiancé Class of Admissions Fiscal Year 2007 - 2017											
Fiscal Year	Class of Admission & Relationship Type										Grand Total
	Fiancé		Spouse of USC				Spouse of LPR				
	CF1	IF1	CR1	CR6	IR1	IR6	F21	F26	FX1	FX6	
2007	45	6	90	207	32	66	19	31	4	13	513
2008	41	1	77	141	24	44	25	24	13	22	412
2009	47	7	115	195	16	60	44	8	3	8	503
2010	43	1	133	138	26	37	43	1	26	2	450
2011	52	2	119	127	29	36	41	2	46	2	456
2012	28	2	144	132	20	23	32	1	32	2	416
2013	21	3	129	114	29	15	56	1	131	1	500
2014	28	1	141	71	60	25	61	6	135	3	531
2015	33	3	66	52	34	20	44	1	86	1	340
2016	69	3	91	53	36	18	32	1	61		364
2017	31	6	67	45	31	17	21	1	45		264
<b>Total</b>	<b>438</b>	<b>35</b>	<b>1,172</b>	<b>1,275</b>	<b>337</b>	<b>361</b>	<b>418</b>	<b>77</b>	<b>582</b>	<b>54</b>	<b>4,749</b>

- 1) The report reflects the most up-to-date data available at the time the report is generated.
- 2) Beneficiary age is calculated at the date the individual gains LPR status.
- 3) The term "minor" as it pertains to marriage is not defined by the INA, and approximately half of all U.S. states have no minimum age requirement for marriage, but for these purposes "minor" generally means under the age of 18

4) Of U/T approvals, which petitions then came to the United States?

To obtain T nonimmigrant status as a principal applicant, the applicant must be physically present in the United States, the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking, among other requirements. Therefore, principal T nonimmigrant status is only granted to applicants physically present in the United States. Certain eligible family members can obtain derivative T nonimmigrant status while in the United States, or can receive a T visa to travel to the United States. Principal and derivative U nonimmigrants status petitioners may petition from the United States or abroad. USCIS does not maintain data on aliens who enter the United States after being granted a T or U visa. However, data on the number of applications or petitions approved in each category is available on the USCIS web page through the following links.

Victims of Human Trafficking: T Nonimmigrant Status

[https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I914t\\_visastatistics\\_fy2018\\_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I914t_visastatistics_fy2018_qtr2.pdf)

Victims of Criminal Activity: U Nonimmigrant Status

[https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u\\_visastatistics\\_fy2018\\_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2018_qtr2.pdf)

## 5) List of required evidence for I-130/I-129F petitions

I-130 <https://www.uscis.gov/i-130> (the “Checklist of Required Initial Evidence” lists what must be submitted)

- Evidence of U.S. citizenship, lawful permanent residence, or U.S. national status:
  - A copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority showing you were born in the United States;
  - A copy of your naturalization or citizenship certificate issued by USCIS or the former Immigration and Naturalization Service (INS);
  - A copy of Form FS-240, Consular Report of Birth Abroad (CRBA), issued by a U.S. Embassy or U.S. Consulate;
  - A copy of your unexpired U.S. passport;
  - An original statement from a U.S. consular officer verifying you are a U.S. citizen with a valid passport; or
  - A copy of the front and back of your Permanent Resident Card (Form I-551).
- Evidence of family relationship with one of the following:
  - Spouse: A copy of your marriage certificate
    - Evidence you or your spouse terminated any prior marriages (if applicable)
  - Child: A copy of your child’s birth certificate(s)
  - Parent: A copy of your birth certificate
  - Brother/Sister: A copy of the birth certificate for you and your sibling
- Evidence of the bona fides of the marriage, if petitioning for a spouse:
  - Documentation showing joint ownership of property
  - A lease showing joint tenancy of a common residence, meaning you both live at the same address together
  - Documentation showing that you and your spouse have combined your financial resources
  - Birth certificates of children born to you and your spouse together
  - Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship. Each affidavit must contain the full name and address of the person making the affidavit; date and place of birth of the person making the affidavit; and complete information and details explaining how the person acquired their knowledge of your marriage
  - Any other relevant documentation to establish that there is an ongoing marital union
- Proof of legal name change (if applicable)
- Two passport-style photographs (if applicable)

### ***If you are filing Form I-130 for your adopted child***

- Evidence of U.S. citizenship:
  - A copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority showing you were born in the United States;
  - A copy of your naturalization citizenship certificate issued by USCIS or the former Immigration and Naturalization Service (INS);
  - A copy of Form FS-240, Consular Report of Birth Abroad (CRBA), issued by a U.S. Embassy or U.S. Consulate;
  - A copy of your unexpired U.S. passport; or
  - An original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport.
- Evidence of family relationship, such as a final adoption decree
- Evidence you have had legal custody of the adopted child for two years
- Evidence you have had joint residence with the adopted child for two years

***I-129F <https://www.uscis.gov/i-129f> (again, “Checklist of Required Initial Evidence” tab)***

- Evidence of your U.S. citizenship:
  - A copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority showing you were born in the United States;
  - A copy of your naturalization or citizenship certificate issued by USCIS or the former Immigration and Naturalization Service (INS);
  - A copy of Form FS-240, Consular Report of Birth Abroad (CRBA), issued by a U.S. Embassy or U.S. Consulate;
  - A copy of your unexpired U.S. passport; or
  - An original statement from a U.S. consular officer verifying you are a U.S. citizen with a valid passport.
- Evidence you or your fiancé legally terminated any previous marriages (if applicable)
  - Divorce decree
  - Annulment order
  - Death certificate for prior spouse
- One color passport-style photograph of yourself and one for your fiancé taken within 30 days of you filing this petition
- Evidence of legal name change (if applicable)
- Evidence to support an IMBRA waiver (if applicable)

**If you’re petitioning to classify your fiancé(e) as a K-1 nonimmigrant, did you provide the following?**

- Evidence you and your fiancé(e) intend to marry within 90 days of their admission into the United States as a K-1 nonimmigrant.
- Evidence you met your fiancé(e) in-person within two years of you filing your Form I-129F. If you haven’t met within two years, submit evidence that meeting in-person would violate strict and long-established customs of your fiancé(e)’s foreign culture or social practice or would be an extreme hardship on the petitioner.

**If you’re petitioning to classify your spouse as a K-3 nonimmigrant, did you provide the following?**

- Evidence that you filed Form I-130 on behalf of your spouse
- Marriage certificate