



DEPARTMENT OF THE NAVY

COMMANDER

U.S. NAVAL FORCES SOUTHERN COMMAND

P.O. BOX 280003, BLDG 1878

MAYPORT, FL 32228-0003

REFER TO:

COMUSNAVSOINST 1752.1

N01L

29 Mar 07

COMUSNAVSO INSTRUCTION 1752.1

Subj: MARRIAGE OF ACTIVE DUTY NAVY PERSONNEL TO FOREIGN NATIONALS IN THE OVERSEAS AREAS OF THE CARIBBEAN, CENTRAL AMERICA, AND SOUTH AMERICA

Ref: (a) MILPERSMAN 5352-030
(b) MILPERSMAN 1754-030

Encl: (1) Sample Request for Background Investigation on Prospective Alien Spouse
(2) Sample Affidavit of Support with the U.S. Armed Forces
(3) Sample Personal History Statement of Prospective Alien Spouse
(4) Sample Letter of Application for Permission to Marry a Non-U.S. Citizen
(5) Sample Certificate of Medical Examination of Applicant
(6) Sample Statement Acknowledging Possible Ineligibility for Non-quota Immigration Visa
(7) Sample Certificate of Counseling

1. Purpose. Per references (a) and (b), this instruction provides information, policy and administrative procedures concerning marriage of active duty Navy personnel to foreign nationals in overseas areas within the U.S. Naval Forces Southern Command (USNAVSO) Area of Responsibility (AOR).

2. Cancellation. COMUSNAVSOINST 1752.

3. Authority. Reference (a) specifically designates USNAVSO as the Approval Authority for marriage of active duty Navy personnel to foreign nationals in the regional areas of the Caribbean, Central America, and South America. Reference (b) is the Navy's policy concerning support of family members.

4. Applicability

a. This instruction is applicable to active duty Navy personnel regardless of their duty station who intend to marry a non-U.S. citizen in the Caribbean, Central America, or South America.

b. Personnel desiring to marry a foreign national outside the United States and within the USNAVSO AOR must submit an application to marry per reference (a).

c. U.S. civilian personnel serving with, employed by, or accompanying the Armed Forces outside the U.S. under DOD sponsorship are excluded from the provisions of this instruction. However, civilian personnel are urged to avail themselves of the information provided by this instruction concerning the legal, procedural and moral issues involved in overseas marriages.

5. Information

a. All active duty Navy personnel have basically the same right to enter into marriage as any other citizen of the U.S. in the same locality. Per reference (a), personnel are required to obtain written authorization from the senior overseas area commander prior to marrying a foreign national.

b. The requirements imposed by this instruction are not intended to prevent marriage. These requirements are for the protection of both aliens and U.S. citizens from the possible disastrous effects of an impetuous marriage entered into without appreciation of its implications and obligations. Of additional concern is the validity of the marriage. Marriage is legally recognized as a contractual union. As with any contract, the validity of the marriage will be determined by the laws of the country in which the ceremony was performed. Therefore, strict compliance with local laws is required.

c. Authorization to contract marriage will be given in all instances where personnel have fully complied with the requirements contained in this instruction. The screening of prospective spouses is substantially similar to the processing of requests for entry of alien spouses into the U.S. Inadmissibility to the U.S. of a prospective alien spouse does not require disapproval of a marriage request. Authorization to marry is not given in such cases until both parties to the proposed marriage signify, in writing, that they have been counseled and advised that the prospective alien spouse may be ineligible for admission to the U.S. but that they desire the marriage take place.

d. Marriage to a U.S. citizen does not in itself result in issuance of a U.S. immigration visa to the alien spouse. Final jurisdiction in these matters is within the cognizance of the Department of State and the Director of U.S. Citizenship and Immigration Services (USCIS), and is governed by the laws of the U.S.

6. Submission of Applications. Requests for authorization to marry a foreign national in the Caribbean, Central or South America will be forwarded to:

Commander,
U.S. Naval Forces Southern Command
Code N01L
P.O. BOX 280003, BLDG 1878,
Mayport, FL 32228-0003.

7. Action Required by Applicant

a. Request **Background Investigation**. Per reference (a), personnel contemplating marriage to a foreign national are encouraged to contact the U.S. Embassy or Consulate where the prospective alien spouse resides to request a background investigation. The most time consuming element in premarital processing is the background investigation of the prospective spouse. **Since the background investigation can take as long as six months to complete, the request should be forwarded to the appropriate U.S. Embassy or Consulate prior to making any other marriage plans.** The investigation must include a criminal and subversive record check. Enclosure (1) is a sample request containing information the U.S. Embassy or Consulate will need to conduct the investigation. Requests for background investigations shall be sent to the Embassy or Consulate via the applicant's Commanding Officer/Officer in Charge with a copy provided to USNAVSO.

***If the Prospective Alien Spouse has a current U.S. Visa approved by the Department of Homeland Security, a background check is not required. A copy of the Visa along with accompanying documents must be submitted instead.**

b. Begin **Medical Examination** for Prospective Alien Spouse and family members. The prospective alien spouse and all family members that will be residing with the prospective spouse, shall complete a medical examination by a Medical Officer of the U.S. Armed Forces or a physician approved by the U.S. Consular Service certifying both parties are free from dangerous contagious diseases and active tuberculosis. The examination will be of sufficient scope and thoroughness to detect mental or physical illnesses or conditions and will include a blood test, urinalysis, chest X-ray, HIV screening, and counseling with a doctor.

COMUSNAVSOINST 1752.1
29 Mar 07

c. Prepare an **Affidavit of Support**. Enclosure (2) is provided as an example. If the applicant wishes, an USCIS Form I-134 may be used; see your Legal Officer for assistance.

d. **Personal History Statement**. The prospective alien spouse must complete a Personal History Statement; enclosure (3) is provided as an example of the information required.

e. Submit **Formal Application**. Submit a formal application for marriage, enclosure (4) (original and one copy), via applicant's Chain of Command to USNAVSO (N01L).

8. Action Required by Applicant's Commanding Officer/Officer in Charge

a. Ensure the provisions of this directive and the references cited herein are thoroughly explained and understood by personnel submitting an application for marriage.

b. Advise the applicant not to start leave for the purpose of marriage until an authorization to marry is received from USNAVSO.

c. Ensure the application is complete, the information provided by both the applicant and the prospective alien spouse is true and correct and all documents, forms and supporting documents are obtained from official files of the U.S. and the prospective alien spouse's country of residence. Document(s) required to substantiate nationality of both parties are birth or naturalization certificates bearing the embossed seal of the issuing authority or a valid U.S. passport. Extracts from Navy service records are not acceptable as evidence of U.S. citizenship. **Certificates of birth and death, decrees of divorce and annulment, and similar official documents, must be certified, i.e., obtained from the proper issuing authority (usually the Bureau of Vital Statistics) and properly signed and sealed by the issuing authority.** If applicable, documents shall be translated into English and such translations will bear certifications by the translator as to their correctness. USNAVSO does not require original supporting documents; however, the applicant's Commanding Officer/Officer in charge must verify that copies are certified true.

d. Verify service member and prospective alien spouse have current (within last six months) medical examinations. For service member, have Medical Officer complete enclosure (5).

e. Ensure pre-marriage background investigation is completed.

f. If information is obtained in the pre-marriage background investigation or report of physical examination concerning the prospective alien spouse which may preclude the intended spouse from entering the U.S., the applicant's Commanding Officer/Officer in Charge shall take the following actions:

(1) Counsel the applicant concerning the contents of the investigative report and its ramifications. Should the applicant persist in the desire to effect the proposed marriage, prepare a statement by both the member and the prospective alien spouse to acknowledge they have been advised regarding the contemplated Immigration Visa in accordance with the U.S. Immigration and Naturalization Act. Enclosure (6) is provided as a sample statement.

(2) Ensure the applicant receives marriage counseling by a Navy Chaplain, Family Service Center Counselor, or equivalent. Enclosure (7) is provided as a sample certification of counseling.

g. Endorse service member's application including a recommendation for approval/disapproval and forward to USNAVSO (N01L).

9. Application Processing Procedures. Upon receipt of an applicant's marriage request, the application will be reviewed by USNAVSO for completeness. If discrepancies are found, the applicant will be informed and given instructions/recommendations for correcting discrepancies. Applications will not be processed until a completed package is received. Where requests for correction of discrepancies/additional information are not replied to within 60 days, the application will be returned to the applicant without action.

10. Approval of Requests

a. Authorization to contract marriage will be approved by USNAVSO as soon as a complete marriage application is received, an appropriate review has been conducted, and no impediment to the marriage is found. Applicants will be informed of the approval by letter via their Commanding Officer/Officer in Charge. Pertinent instructions pertaining to the marriage will be included in the letter and must be adhered to. Approval will be valid for a period of six months from date of issue. In those cases where it is not possible for the applicant to meet the six-month deadline, an extension may be granted provided no adverse information is received which would require additional investigation. Requests for extensions shall be submitted via the Commanding Officer/Officer in Charge.

COMUSNVSOINST 1752.1
29 Mar 07

b. USNAVSO authorization to contract marriage does not grant the new spouse immigration rights to enter the U.S. The final determination of eligibility for entry of the newly acquired alien spouse and/or family members rests with The Department of Homeland Security and the Department of State. The U.S. Navy does not make this determination nor can the U.S. Navy intercede on behalf of the service member or newly acquired family members.

c. Should authorization to marry overseas be granted by USNAVSO, the U.S. Navy is in no way obligated to provide local support, transportation of newly acquired family members or household goods at government expense or any other dependent benefit normally accrued through marriage except as provided for in current directives.

d. The Commanding Officer/Officer in Charge shall notify USNAVSO of the date and place the marriage is solemnized for each authorization granted and include a certified copy of the marriage contract.

11. Denial/Disapproval of Request. In those cases where a request for authorization to marry is denied, the reason for disapproval will be set forth in detail and forwarded to the applicant via his/her Commanding Officer/Officer in Charge.

12. Violations

a. Marriage within the USNAVSO AOR by active duty personnel without prior approval is in violation of this instruction and constitutes an offense under Article 92, Uniform Code of Military Justice. Such unauthorized marriages can present serious and continuing problems that are likely to be detrimental to the welfare of both the service member and the spouse. Violation of this directive should be met with prompt and effective action by all concerned to assist the parties to comply with requirements for having the marriage recognized for purposes of command sponsorship, etc. Marriages contracted without USNAVSO approval may be considered valid for immigration purposes. However, immigration remains a distinctly separate issue from command sponsorship and is the sole responsibility of the Department of Homeland Security and the Department of State.

b. In those cases where a marriage was contracted without prior approval of USNAVSO, newly acquired family members will not be granted command sponsorship and associated local Navy family member benefits, except identification card and medical privileges, until the parties to the marriage comply with all the requirements set forth in this instruction.

c. Report immediately all marriages contracted in violation of this instruction to USNAVSO. A request for recognition of the marriage from the service member's Commanding Officer/Officer in Charge shall include the following:

(1) Certified copy of the marriage contract.

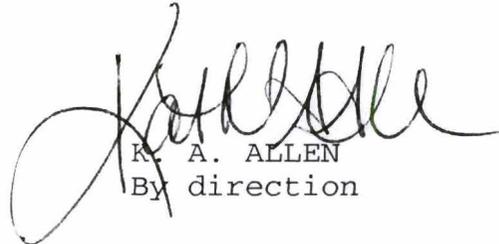
(2) Original or certified copy of birth certificate of spouse; however, if spouse's birth is a late registration (not registered within six months after birth), a certified copy of the elementary school record or other official record may be submitted.

(3) Written permission from member's command to marry, if applicable, such as an approved leave request with leave destination.

(4) Original or certified copy of physical examination for spouse and all spouse's children. Physical examination must be completed by a Medical Officer of the U.S. Armed Forces or by a physician approved by the U.S. Consular Service (see paragraph 7b).

(5) Member must sign a page 13 (Administrative Remarks) containing the following language: "The final determination as to the eligibility for entry of my spouse into the U.S. rests with the Department of Homeland Security and the Department of State."

(6) Record of Emergency Data (Page 2) showing present address of spouse.


R. A. ALLEN
By direction

Copy to:
USSOUTHCOM (SJA)
CFFC (SJA)
CNI (N2122)

COMUSNAVSOINST 1752.1
29 Mar 07

SAMPLE

REQUEST FOR BACKGROUND INVESTIGATION ON
PROSPECTIVE ALIEN SPOUSE

Date

From: Applicant's Rank, Name, SSN, Branch of Service
To: American Embassy or Consulate in country where prospective
alien spouse resides
Via: Applicant's Commanding Officer/Officer in Charge
Subj: REQUEST FOR PREMARITAL BACKGROUND INVESTIGATION, INCLUDING
A CRIMINAL AND SUBVERSIVE RECORD CHECK ICO PROSPECTIVE
ALIEN SPOUSE'S NAME
Ref: (a) MILPERSMAN 5352-030
Encl: (1) Sample Biographic Information for Background Check of
Prospective Alien Spouse

1. Per reference (a), request a background investigation,
including a criminal and subversive record check be initiated to
determine the eligibility of (prospective alien spouse's name)
entry into the U.S. Enclosure (1) is provided to assist with the
investigation.

Signature of Applicant

Enclosure (1)

COMUSNAVSOINST 1752.1
29 Mar 07

SAMPLE

BIOGRAPHIC INFORMATION FOR BACKGROUND CHECK
OF PROSPECTIVE ALIEN SPOUSE

Name: (Last, First, Middle) (Male/Female) Birth: (Month/Day/Year)
(Nationality), (Other Names Used), (City and Country of Birth)

Father: (Last, First, Middle) (Birth Date) (Current Residence)

Mother: (Maiden, First, Middle) (Birth Date) (Current Residence)

Former husbands or wives (if none, so state):

<u>(Last, First, Middle)</u>	<u>(Birth Date)</u>	<u>(Date/Place of Marriage)</u>	<u>(Date/Place of Termination)</u>
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Residence (last five years, list present address first):

<u>Street</u>	<u>City</u>	<u>Province or State</u>	<u>Country</u>	<u>From Mo/Yr</u>	<u>To Mo/Yr</u>
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Employment (last five years, list present employment first):

<u>Full Name & Address of Employer</u>	<u>Occupation</u>	<u>From Mo/Yr</u>	<u>To Mo/Yr</u>
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List last employment abroad if not shown above:

<u>Full Name & Address of Employer</u>	<u>Occupation</u>	<u>From Mo/Yr</u>	<u>To Mo/Yr</u>
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Signature of Prospective Alien Spouse/Date

SAMPLE
AFFIDAVIT OF SUPPORT WITH THE U.S. ARMED FORCES
(IN LIEU OF USCIS FORM I-134)

At (country, state)

I, (applicant's name), do solemnly swear that:

1. I am a citizen of the United States, having acquired U.S. citizenship by (birth/naturalization) on date, name & location of court, certificate of naturalization.

2. I am a resident alien of the United States, having been lawfully admitted into the U.S. for permanent residence on (date), (place), (alien registration no.).

3. I was born in (place), (date).

4. I am serving on active duty in the U.S. (branch of service) and attached to (applicant's command).

5. I joined the U.S. (branch of service) on (date), (place) and have served in the U.S. (branch of service) during the following periods:

_____.

6. I am presently obligated for the full support of the following family members: (name, relationship).

7. My monthly base pay is (amount). I currently earn or am eligible for the following monthly allowances: _____.

8. I am financially solvent. I have incurred the following debts:

I possess the following major assets: (item/value).

9. In the event (name of prospective alien spouse) is granted an immigrant visa to apply for admission to the United States for permanent residence, I fully agree to assume my responsibilities to provide support for my prospective alien spouse and his/her family members wherever I may be stationed. I reviewed and understand MILPERSMAN 1300-150 through 1300-210, and I have sufficient funds to defray the expenses of marriage, appropriate visas and transportation of my prospective alien spouse and family

COMUSNAVSOINST 1752.1
29 Mar 07

members to the U.S. at my personal, non-reimbursable expense if necessary.

10. The purpose of this affidavit is to acknowledge full support and dependency of the above named individual and to guarantee he/she will not become a public charge in the United States.

Signature of Applicant

Notarization (typed name)
Rank, Title of Office

Note: Applicant shall contact the U.S. Embassy or Consulate of the prospective alien spouse's native country to confirm validity of above format being used.

SAMPLE

PERSONAL HISTORY STATEMENT OF PROSPECTIVE ALIEN SPOUSE

1. Name: (surname) (first) (middle)
Aliases, nicknames and maiden name: _____
2. Present Address: _____
Permanent Address: _____
3. Date of Birth: (day) (month) (year)
4. Place of Birth: (town/city), (state/territory), (country)
5. Citizenship at Birth: _____
6. Present Citizenship: _____. If citizenship by means of naturalization, state place and date of naturalization and certificate number: _____
7. Overseas Travel:

<u>Date</u>	<u>Country</u>	<u>Purpose (travel, business, etc.)</u>
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8. Employers for last 10 years:

<u>Date</u>	<u>Employer</u>	<u>Address</u>
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9. Education:

<u>School</u>	<u>Location</u>	<u>Date</u>
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10. I declare the information supplied herein is true and correct to the best of my knowledge and belief.

Signature of Prospective
Alien Spouse/Date

COMUSNAVSOINST 1752.1
29 Mar 07

SAMPLE

Date

From: Applicant's Rank, Name, SSN, Branch of Service
To: Commander, U.S. Naval Forces Southern Command (N01L)
Via: Applicant's Commanding Officer/Officer in Charge
Subj: APPLICATION FOR PERMISSION TO MARRY A NON-U.S. CITIZEN IN
(COUNTRY)

Ref: (a) COMUSNAVSOINST 1752.1

- Encl:
- (1) Personal History Statement of Prospective Alien Spouse
 - (2) Affidavit of Support with the U.S. Armed Forces
 - (3) Certificate of Completed Marriage/Background Investigation (to include fingerprint check) from appropriate office for Prospective Alien Spouse
 - (4) Birth/Baptismal Certificate for Prospective Alien Spouse
 - (5) Certificate of Medical Examination of Applicant
 - (6) Certificate of Medical Examination of Prospective Alien Spouse (from a Medical Officer of the U.S. Armed Forces or by a physician approved by the U.S. Consular Service)
 - (7) Evidence of Termination of all Previous Marriages (if applicable)
 - (8) Certificate of Counseling
 - (9) Parental Consent for Minors (pursuant to local law - if applicable)
 - (10) Statement of understanding that a spouse may be ineligible for admission to the U.S.
 - (11) Additional enclosures as necessary

1. It is requested that I be granted permission to marry (name of prospective alien spouse) in (country). Enclosures (1) through (#) are submitted in compliance with reference (a).

2. The following personal data concerning myself is submitted:

Rank/Rate -

Date and place of birth -

Citizenship -

Marital status - () single () divorced () widowed

Number of previous marriages and dates terminated -

Enclosure (4)

COMUSNAVSOINST 1752.1
29 Mar 07

Subj: APPLICATION FOR PERMISSION TO MARRY A NON-U.S. CITIZEN IN
(COUNTRY)

Present family members (relationship and age) -
Permanent residence -
Present navy address -
Projected rotation date -

3. The following personal data concerning my prospective alien spouse is submitted:

Full name -
Present address -
Date and place of birth -
Citizenship -
Marital status - () single () divorced () widowed
Number of previous marriages and dates terminated -
Present family members (relationship and age) -

4. I certify that I was adequately counseled by a Legal Officer and understand the provisions and restrictions of the Immigration and Naturalization Act of 1952, as amended, concerning entry into the U.S. I am aware of the conditions that must be satisfied for my prospective alien spouse and children (if applicable) to gain entry into the U.S. for permanent residence. I understand that final determination as to the eligibility for entry of my prospective alien spouse into the U.S. is not determined until application for visa is made and the U.S. Navy does not make this determination. I understand, should authority to marry be granted, the U.S. Navy is not obligated to transport my spouse and family members to the U.S. except as provided for in current directives.

Signature of Applicant

Signature of Legal Officer
witnessing signature and
providing counseling

5. The telephone numbers and address where I can be reached in case of any questions or additional information regarding my request are as follows:

Subj: APPLICATION FOR PERMISSION TO MARRY A NON-U.S. CITIZEN IN
(COUNTRY)

Command Address: _____

Telephone: COMM: _____
DSN: _____

Home Address: _____

Telephone: COMM: _____

E-mail: _____

SAMPLE

CERTIFICATE OF MEDICAL EXAMINATION OF APPLICANT

This is to certify (applicant's name) was physically examined on (date).

The applicant (is/is not) free from mental illness, infectious venereal disease, active tuberculosis or any major communicable diseases.

The applicant is suffering from (list specific illness/disease) and is not qualified to marry at this time. Another physical examination may be requested after (indicate number) month(s).

Signature of Medical Officer
Type Name, Rank, Service, Duty Station

FIRST ENDORSEMENT

From: Applicant's Commanding Officer/Officer in Charge
To: Commander, U.S. Naval Forces Southern Command (N01L)

1. Forwarded recommending (approval/disapproval).
2. The applicant's (medical screening/examination) was verified by his/her Commanding Officer/Officer in Charge.
3. Appropriate additional information:

Signature of Commanding Officer/
Officer in Charge

SAMPLE

STATEMENT ACKNOWLEDGING POSSIBLE INELIGIBILITY
FOR NON-QUOTA IMMIGRATION VISA

Date

As set forth in MILPERSMAN 5352-030, we have been advised regarding our contemplated marriage and are aware (name of prospective alien spouse) may not be eligible for an immediate relative immigration visa to the U.S. per the Immigration and Naturalization Act of 1952 (Public Law 414, 82nd Congress) as amended. Fully acknowledging this fact, we nevertheless hereby declare that we desire our contemplated marriage to be authorized.

Signature of Applicant
Spouse

Signature of Prospective
Alien Spouse

Service Member's Parent's
Signature (if applicable)

Prospective Alien Spouse's
Parent's Signature (if applicable)

COMUSNAVSOINST 1752.1
29 Mar 07

SAMPLE

CERTIFICATE OF COUNSELING

From: [Counselor]
To: Commander, U.S. Naval Forces Southern Command
Subj: COMPLETION OF PRE-MARRIAGE COUNSELING ICO
[Applicant]

1. This is to certify the above named service member and his/her intended spouse have completed pre-marriage counseling under my supervision.

2. Pre-marriage topics covered included: Unique Aspects of Marriage Partnership, Resolving Conflicts, and Financial Counseling [and any other topics covered].

Signature of Counselor/Date
Type Name, Rank, Service
Duty Station

Enclosure (7)