

**OFFICE OF THE STAFF JUDGE ADVOCATE
48TH FIGHTER WING, RAF LAKENHEATH, UK
Building 1082, DSN 226-3553**



MARRIAGE TO A FOREIGN NATIONAL

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

Important Information to Consider

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

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

You should also be aware of the impact that marrying a foreign national may have on your military career. An adverse effect on a servicemember's career can often result from marriage to a foreign national when the servicemember occupies a sensitive position requiring access to classified defense information or cryptographic matter. This aspect should be closely examined through consultation with the Unit Commander or Security Manager. You will need to provide advance written notification within to the servicing security office when you decide to marry or cohabitate and have an SCI. *See* AFMAN 14-304, Figure 3.2; para 3.15.1

Local Laws

After you have complied with AFI 36-2609, you must comply with English law. English law requires that you file notice of your intended marriage at the Register Office serving the local region of your residence. If you live at RAF Lakenheath or RAF Mildenhall, the local registrar – Registrar of Births, Deaths and Marriages – is in Bury St. Edmunds. The telephone number is 0345 607 2060 and their hours are 0900-1600, Monday to Friday.(closed until 11am on the third Wednesday of every month). If you live at RAF Feltwell, the local Registrar is at Downham Market, telephone number 0344 800 8020 and their hours are 0830-1630 Monday to Friday. A recent change in the law means that you can now marry anywhere in your district as long as the building is on the list of approved locations held by the applicable Registrar.

You will need to make an appointment to file your notices in your district's register office.
The documents you need to provide are:

1. Proof of name and age to establish you are both over 18 years of age such as:-

- Driving license
- Birth certificate

2. Proof of residence. This is required to show that you and your fiancé/e have resided in the district for the required period of 8 days. They will request two of these for each person.

- Utility bill issued within 3 months of your appointment (Mobile phone bills are not acceptable)
- Latest Council tax bill or exemption notice
- Bank statement issued within one month of the appointment (credit card statements are not acceptable)
- (Proof of residence must show the physical address and any documents showing a box number **are not acceptable**)

3. Proof of nationality

- Passport
- ID card

4. Proof of condition.

- This will provide proof of the past marriage status(es) of you and your fiancé/e.
- If either of your marriages ended in divorce, please provide a **Decree Absolute/Final divorce document** to verify the divorce. If you or your fiancé/e's previous marriage ended in the death of a partner, please provide the **Death Certificate** and the **Marriage Certificate**. If it is a foreign decree (i.e. not a British decree), it must be sent to the Central Registrar's Office for certification.

Once the central office processes the foreign decree and the results are returned to the local registrar, the registrar can issue the license or certificate. The registrars suggest having the foreign decree checked in advance and that you take the processed copy to the registrar, since mailing takes several days.

5. The following requirements apply to USAF members.

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

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

6. The following requirements only apply to non-EU/EEA nationals and those subject to immigration control.

- **Visa for marriage/civil partnership.** This is usually applied for by a non-EU national not residing in this country and the person would have to apply to the British Consul Embassy, Consulate or High Commission in that country (Of the three options, this is the easiest to obtain.)
- **Indefinite leave to enter/remain in the UK.** This will be stamped in a **passport** It is advisable to request the person to fax a copy of the stamp to the registrar office. Be sure to check the passport to see if there is a limit to the time period allowing the owner to stay in the country.
- **2 passport style photographs**

The following people are exempt from immigration control:

- **USAF stationed in this country** (USAF dependents or US civilians working on the air base are still subject to immigration control.)
- **Diplomats**
- Members of **British Armed Forces** from a NATO or commonwealth country serving in British Armed Forces
- **Holders of a current residence**
- **Swiss nationals**
- **People with “right of abode.”** Please take care to distinguish between “right of abode” and “indefinite leave to remain.” People who hold “indefinite leave to remain” are still subject to immigration control.

Both parties must reside in a district in England for 8 days prior to giving the notice. There will then be a **28 day** waiting period before the certificate that allows the marriage to take place can be issued. **This may be extended to 70 days.** These time conditions have to be met before the marriage can take place. The cost is upwards of £100.00.

In England, persons under 16 years of age may not marry and persons under 18 years of age require their parents’ or guardians’ written consent to the marriage. 16 year olds and above may marry in Scotland without parents’/guardians’ permission. The marriage would then still be considered lawful in England & Wales.

Costs

The cost of a marriage waiver (for deploying members or the terminally ill) is £60.00 per person. This fee is non-refundable and must be accompanied by a letter from your commander.

A Notice of Marriage is £35.00 per person. The marriage can take place 29 days after purchase. For example if notices of marriage are given on the 1st day of the month the marriage can take place on the 30th day of that month. This may be extended to 70 days if one of the parties is subject to immigration control. If one of the parties is subject to immigration control the cost for the notices of marriage will be £47.

A ceremony within the registration office is £46.00. This marriage will take place in an office with just the bride and groom and 2 witnesses. Marriages can be arranged to take place at the Athenaeum, costing £260.00 until the end of March 2019, thereafter at a cost of £290.00 until the end of March 2020. There is usually a price increase each year and their prices are displayed on the Suffolk County Council Website. <https://www.suffolk.gov.uk/births-deaths-and-ceremonies/>

A Marriage Certificate costs £4.00 on the day of the marriage or £10.00 after that day.

Civil Ceremony

The Marriage Act 1949 was amended on 1 January 2001. The following are the principle amendments:

1. Each party to the marriage must give notice **IN PERSON** to the superintendent registrar of the registration district where they reside. A separate fee is payable for each notice.
2. You should obtain **TWO** certificates from the superintendent registrar's office, before a marriage may be solemnized (one for each party).
3. The required waiting period before the superintendent registrar may issue the certificate that allows the marriage to take place (marriage authority) is 28 days.

A minimum 29 clear days waiting period must pass before the Superintendent Registrar's certificate which allows the marriage to take place may be issued.

It is **very important** that you keep strictly to the appointment time, both for giving notices and for the marriage. If a couple is late the marriage may not be able to take place. Here are a few common districts where military personnel reside. Please remember each person has to register in their own district. Also, if you live in a small community they may have their own registers office so please check the website for the county you live in for a detailed listing.

Thetford Registration Office
Marriages and Civil Partnerships
Telephone: 0344 800 8020 Fax: 01842 765996

Opening Times: Monday: 10.00am to 12.00pm,
Tuesday & Wednesday: 10:00am to 3:30pm (closed for lunch 12:30-1:00pm)
Thursday: 10:00am to 1.00pm
Friday: 10:00am to 1.00pm

Bury St. Edmunds Registration Office
Marriages and Civil Partnerships
Telephone: 0345 607 2060
Fax: 01284 735779
Email: bury.registrars@suffolk.gov.uk

Opening Times: 9am -4pm Mon-Fri (on the third Wednesday of each month between 9am and 11am the office is closed for staff training)
Ceremonies are held during weekday opening hours and on Saturday until 1.30pm (subject to availability) ceremonies at approved venues and religious registered buildings by arrangement.

Religious ceremony (at a church off base)

Many service personnel do not realize that they cannot just choose a church to be married in; they have to be a member of that particular parish church to be married there. Only the Church of England is authorized to conduct a full marriage ceremony. All churches are required to fulfill a civil ceremony as part of the religious venue. Further, not all non-Church of England clergy are authorized to conduct the marriage ceremony. If you marry in a non-Church of England ceremony, you may find that a civil Registrar of Marriages has to be present, as well as your priest.

Helpful Websites

www.norfolk.gov.uk

www.suffolk.gov.uk

www.cambridgeshire.gov.uk

<http://www.4ukcountyweddings.co.uk/>

<http://www.gro.gov.uk/gro/content/marriages/> (this website allows you to enter any county)

* When using a county website you can find information on marriages by using search terms “marriages” or under the “Community and Living.”

Base Chapel

The base Chapel has additional requirements that must be met before you may be married there. If you want to be married at the Chapel, the registrar must be present to record the marriage, so you will have to plan accordingly. Please contact the Chapel at RAF Lakenheath, DSN: 226-3711, for further information.

Bringing Your Spouse to the United States

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

After the petition is approved by USCIS, it will be sent to the National Visa Center (NVC). The NVC assigns a case number and will direct you to complete the Form DS-621. At this point you will be asked to pay certain fees and begin providing the required documentation. The NVC will inform you what documentation is required in your specific case.

Once the NVC determines the file is complete, it will schedule an interview appointment. Both you and your spouse will be required to appear for the interview. Your spouse will also need to undergo a medical examination and vaccinations to ensure they are medically fit for admission into the United States. Upon successful passage through all these requirements a conditional visa may be issued. The conditional visa may later be converted into a permanent visa for your spouse.

RAF Lakenheath Legal Assistance App

For a copy of this pamphlet, as well as other helpful pamphlets, please go to the 48 FW Phone App, click on "J.A.G." at the bottom, and then click on "forms and documents."

RAF Lakenheath Legal Office Hours

Legal Assistance/Wills (**By appointment only**)

Tuesday 0900-1100 and Thursday 1300-1500

Call **0163852-3553 (226-3553)** or email 48fw.ja@us.af.mil

Powers of Attorney/Notary Service (No appointment necessary).

Monday-Wednesday & Friday 0830 – 1530; Thursday 0930-1530