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Change  
No. 2

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
Washington, DC, 27 August 1975

PERSONNEL--GENERAL

MARRIAGE IN OVERSEA COMMANDS

Effective 27 September 1975

This change implements the Privacy Act of 1974 (5 U.S.C. 552a) by adding Privacy Act Statements for forms prescribed in this publication that are covered under the act.

AR 600-240, 17 December 1965, is changed as follows:

1. The following form(s) (column b) will be reproduced locally on 8 x 10½ inch paper and made available on and after 27 September 1975 to the individual supplying data on form(s) in column a.

Column a	Column b
DA FORM 2029	DA FORM 2029-R, Privacy Act Statement

2. File this change sheet in front of the publication for reference purposes.

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By Order of the Secretary of the Army:

Official:  
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DATA REQUIRED BY THE PRIVACY ACT OF 1974

(5 U.S.C. 552)

TITLE OF FORM

APPLICATION FOR PERMISSION TO MARRY

PRESCRIBING DIRECTIVE  
AR 608-61 (para 2a)  
AR 600-240 (para 4c)

1. AUTHORITY

Title 8 USC (PL 82-414 and 87-301)

2. PRINCIPAL PURPOSE(S)

The form is used to insure the applicant is properly screened and counseled regarding the prospective marriage. To insure necessary documentation is provided with the application to assist the applicant in petitioning to classify status of alien relative for issuance of immigration visa for his/her spouse.

3. ROUTINE USES

The form is used to insure proper screening and counseling of applicants by the commander concerned. The procedures are substantially similar to the processing of request for entry of alien spouses. Lack of command approval is indicative of probable unfavorable action of the US Counsel and Commission of Immigration and Naturalization.

4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION

Disclosure of personal information is mandatory. Punitive action for marrying without permission is violation therefore is within the prerogative of the commanders. (US vs Wheeler, 12 USCMA 387)

C 1, AR 600-240  
AFR 211-18A  
MCO 1752.1A CH-1

DEPARTMENTS OF THE ARMY, THE  
NAVY, AND THE AIR FORCE  
WASHINGTON, D.C., 25 April 1966

**PERSONNEL—GENERAL**

**MARRIAGE IN OVERSEA COMMANDS**

AR 600-240/AFR 211-18/MCO 1752.1A, 17 December 1965, is changed as follows:

**4. Policy.** a. It is the \* \* \* a public charge. While civilian personnel serving with, employed by, or accompanying the Armed Forces outside the United States under Department of Defense sponsorship are not required to submit applications for permission to marry, personnel in this category are encouraged to avail themselves to consultative services provided by commanders concerning the legal, moral, and procedural problems involved in oversea marriages.

\* \* \* \* \*  
[AGPF]

By Order of the Secretaries of the Army, the Navy, and the Air Force:

HAROLD K. JOHNSON,  
*General, United States Army,*  
*Chief of Staff.*

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*Army:*

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ARMY REGULATION  
No. 600-240  
NAVPERS 15858A  
AIR FORCE REGULATION  
No. 211-18  
MCO 1752.1A

DEPARTMENTS OF THE ARMY, THE NAVY,  
AND THE AIR FORCE  
WASHINGTON, D.C., 17 December 1965

PERSONNEL—GENERAL

MARRIAGE IN OVERSEA COMMANDS

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1. **General.** a. This publication furnishes information and policy guidance to commanders on marriage of personnel stationed in or visiting oversea commands, and on related problems such as immigration of alien spouses, children, stepchildren, and adopted children.

b. Since 24 December 1952, the effective date of the Immigration and Nationality Act (Public Law 414, 82d Cong.: DA Bul. 11, 1952), certain policies and procedures for admission to the United States of alien spouses and children of United States citizens have been changed. In general, the exacting standards heretofore determining admissibility are continued, but certain categories of potential immigrants have been granted considerations.

2. **Admission of alien spouses and children.**

a. Subject to the conditions specified by law, the alien spouses of any United States citizen may be approved for entry to the United States on a permanent-residence basis without regard to quota, provided that required petition for nonquota visa (Form I-130: Petition to Classify Status of Alien Relatives for Issuance of Immigrant Visa) is duly filed with the United States consul concerned, and

duly approved. Neither the Commissioner of Immigration and Naturalization nor the United States consul has the power to grant exceptions to the statutory restrictions governing the admissibility of aliens or eligibility to receive visas. However, Public Law 87-301 (75 Stat. 650) vests in the Attorney General of the United States discretionary authority to grant waivers to certain alien spouses and children (including minor unmarried adopted children) who are ineligible for visas because of conviction of an offense involving moral turpitude, conviction or two or more offenses for which the aggregate sentence actually imposed were 5 or more years, or because of prostitution. Each application for waiver (Form I-601: Application For Waiver of Grounds of Excludibility) is judged on its individual merits. Waivers will not be granted where entrance of such alien dependents would be contrary to the national welfare, safety, or security. In addition, a favorable decision is required to be based on a finding by the Attorney General of the United States that extreme hardship would result to a United States citizen or a lawful resident of the United States should his or her alien dependents be excluded

\*This publication supersedes AR 600-240/NAVPERS 15858/AFR 34-12/MCO 1752.1, 14 October 1953, including C 2, AR 600-240/NAVPERS 15858 CH-2/AFR 34-12A/MCO 1752.1 CH-2, 3 February 1959, and C 3, AR 600-240/NAVPERS 15858 CH-3/AFR 34-12B/MCO 1752.1 CH-3, 27 September 1962, and DA message 720595, 18 June 1965.

from the United States. The Attorney General of the United States may also grant waivers under his discretionary authority in the case of certain alien spouses and children who have procured, or attempted to procure, a visa by fraud or misrepresentation, or admitting the commission of perjury in connection therewith. Advance decision on waiver is not possible for prospective spouses. Applications for waiver can be made only after a legal marriage. Form I-130 and Form I 601 are available from United States consuls.

b. Certain alien spouses and unmarried children (including minor unmarried lawfully adopted children) who are afflicted with tuberculosis in any form may be admitted to the United States for permanent residence. Approval thereof will be at the discretion of the Attorney General of the United States after consultation with the Surgeon General of the United States Public Health Service. See AR 40-124.

c. Children born of marriages between United States citizens and aliens are generally citizens of the United States and do not present an entry problem, provided the birth has been properly declared by the parents and documented at the office of the appropriate United States consul.

d. Children in the following categories are permitted entry into the United States on a nonquota basis if otherwise qualified under immigration laws:

- (1) Children born to the alien spouse, whether or not born in wedlock, may enter as stepchildren of the citizen spouse, provided they had not reached the age of 18 years at the time of the alien's marriage to the United States citizen.
- (2) Illegitimate children by or for whom a status, privilege, or benefit is sought because of their relationship to their natural mother.
- (3) Children adopted under the age of 14 years if they have since been in the legal custody of, and have resided with, the adopting parent or parents for at least 2 years.
- (4) Children under 14 years of age at the time at which the visa petition is filed, who are eligible orphans adopted abroad

or coming to the United States for adoption. However, not more than two such petitions for nonquota immigrant visas may be approved for eligible orphans adopted or to be adopted by any one United States citizen and spouse, unless necessary to prevent the separation of brothers or sisters. Visas issued to orphans adopted by United States citizens serving abroad in the Armed Forces or employed abroad by the United States Government are valid until such time as the adoptive citizen returns to the United States in due course of his service and/or employment, but they are valid not to exceed 3 years from date of issue.

e. Oversea commanders authorized to take final action on marriage applications will take cognizance of waiver possibilities in determining their action under paragraph 5b.

3. Problems to be considered. a. The admissibility of alien spouses and children merits serious consideration by the parties to the marriage and the military service, since such marriages are normally planned in anticipation of eventual residence in the United States. Thorough study of all aspects of the problem by the individual prior to marriage, together with guidance from the appropriate military commanders, can minimize, if not eliminate, the prospect of wholesale divorce and broken homes which would result if large numbers of alien spouses failed to qualify for admission to the United States because the individuals concerned were not aware of the requirements for entry prior to marriage.

b. Mental and physical health of the alien spouse, as well as character, morals, and political beliefs and affiliations, are matters of primary importance since individuals in certain categories may be inadmissible to the United States for permanent residence. These categories include aliens who are feeble-minded, insane, or have had attacks of insanity; afflicted with psychopathic personality, epilepsy, or a mental defect; narcotic addicts or chronic alcoholics; afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease; paupers, professional beggars, or vagrants; those who have been

convicted of a crime involving moral turpitude; those who have been convicted of certain other offenses as specified in Public Law 414; polygamists or persons who practice or advocate the practice of polygamy; prostitutes or persons who have engaged in or profited from prostitution; and anarchists, opposers of organized government, advocates of violent overthrow of government, or persons who are members of or affiliated with the Communist or any other totalitarian party or association. The following diseases are considered to be in the dangerous contagious category: actinomycosis, amebiasis, blastomycosis, favus, filariasis, gonorrhoea, granuloma inguinale, keratoconjunctivitis, infections, leishmaniasis, leprosy, lymphogranuloma venereum, mycetoma, paragonimiasis, ringworm of the scalp, schistosomiasis, chancroid, syphilis in the infection stage, trachoma, trypanosomiasis, and yaws.

c. In addition to the high standards required of the alien, the United States citizen must present also satisfactory evidence of ability to prevent the spouse from becoming a public charge. Another important subject for consideration is the large number of enlisted personnel of pay grade E-4 with less than 4 years service, E-3, E-2, and E-1, and under 21 years of age who have no occupational backgrounds or histories of past earnings to establish their ability to support a family. Consideration must be given also to the health of the United States citizen. The presence of active tuberculosis, for example, would not only impair his ability to support his family but would endanger the health of the alien spouse, thus jeopardizing admissibility.

d. The importance of the date of marriage relative to prospective rotation date of the United States citizen and/or to the plans of the alien spouse for departure to the United States is apparent, since only if the movement takes place shortly after marriage can reasonable assurance be obtained through last-minute physical examinations that the alien will be eligible to receive a visa and will qualify for admission to the United States at the port of entry.

e. Premarital investigations of the intended alien spouses of military personnel are the responsibility of the approving area commander of the

particular service. Such commander will initiate and complete the investigative checks and examinations necessary to predetermine the alien's probable admissibility to the United States prior to granting permission to marry. If the review of the results of the investigations reveals evidence of a derogatory nature which, in the opinion of the commander, raises a question of the alien's eligibility for a visa, the case will be referred to the appropriate United States consular officials for advice. Care will be exercised to insure that only cases in this category are referred to the consular officials.

f. If the prospective alien spouse resides in a country where no military investigative or medical facilities are available, United States consular officials in the country concerned will be requested to conduct necessary premarital investigations. Military commanders should submit these requests in accordance with specific procedural policies, departmental or local, established by their particular service.

4. Policy. a. It is the policy of the Department of the Army, Navy, and Air Force that all active duty personnel of the Armed Forces basically have the same right to enter into marriage as any other citizen of the United States in the same locality. Such persons stationed in or visiting oversea commands will be required to obtain written approval from the senior area commander of their particular branch of service prior to marrying. This authority may be delegated as deemed necessary. Also, the policy of the Departments is that approval will be given in all instances where military personnel have complied with local regulations implementing this policy, provided that due examination and consideration do not indicate that the intended alien spouse would certainly or probably be barred from entry to the United States through inability to meet statutory physical, mental or character standards, and provided also that the applicant has demonstrated financial ability, not limited to any particular form of financial security, to prevent the alien spouse from becoming a public charge.

b. Within a given command, all applications for permission to marry accompanied by written and notarized permission from parent or legal guard-

ian, if applicant is under 21 years of age, will be forwarded by indorsement to the commander having authority to approve the application. Commanders will return for consideration or other appropriate action those applications which, through anticipated inadmissibility of the intended spouse, appear to present unnatural obstacles to a lasting marriage. Each application returned without approval will indicate the reasons for lack of approval and will suggest whenever practicable what additional action may be taken to secure permission; for example, medical attention for either party or further savings by the service individual. Marriage applications disapproved for security reasons and returned to the United States citizen applicant will state briefly the reason for disapproval but will not divulge the source of information or other data which would involve violation of security or jeopardize sources of information available in the conduct of such investigations.

c. Applicants whose requests have been favorably considered will be given all assistance practicable in arranging their marriages and securing visa and other entrance documentation, including transmission of Form I-130 under covering letter of the command stating that the financial status of the individual has been considered, that the alien spouse has been carefully examined, and that no defects barring admission under pertinent immigrations laws have been discovered. Applicant will be advised that approval of his proposed marriage by the appropriate military authority will not necessarily result in his alien spouse being granted a nonquota immigration visa, and even in those cases in which a visa is granted there is no certainty that an alien spouse will be admitted into the United States at the port of entry. Final jurisdiction regarding entry of alien is within the cognizance of the Commissioner of Immigration and Naturalization. The applicant will be required to sign a statement to the effect that he so understands. Applicants who are members of the military service will be encouraged to have the marriage ceremony performed by a military chaplain. This may sometimes involve two ceremonies, as a civil ceremony is required by the laws of some countries. In this connection, the laws of the

United States recognize only those marriages which are legally entered into under the laws of the country in which the ceremony is performed. All personnel concerned will be advised that the Immigration and Naturalization Service does not hold proxy, telephone, or similar marriages to be valid for immigration purposes unless the marriage shall have been consummated, through cohabitation. Whenever practicable, the ceremony or ceremonies will be attended by commissioned and noncommissioned members of the applicant's unit, in the case of military personnel, and in addition a suitable marriage certificate will be presented, supplementing any document which may be provided under local laws.

d. Directives will stress the fact that the screening of applicants for permission to marry by the commander is substantially similar to the processing of requests for entry of alien spouses and that lack of command approval is indicative of probable unfavorable action of the United States Consul and the Commissioner of Immigration and Naturalization. Such directives will be reasonable. Punitive action for marrying without permission in violation thereof is within the prerogatives of the commanders. (*United States v. Wheeler*, 12 USCMA 387, 30 CMR 387).

e. Marriage regulations issued by commanders of the several services in the same area will be joint or coordinated to insure reasonable uniformity. Outlines of possible procedure are contained in paragraph 11. Their adoption or modification is discretionary with the appropriate oversea service commander.

f. Once a marriage has been entered into, no distinction will be made between alien and citizen spouses for purposes of quarters allowances, commissary privileges, medical care (when available for all dependents), and any other benefit to which members of the Armed Forces are entitled, except that no member of the Armed Forces (including attached dependents) will be authorized to occupy dependent-type quarters on a date earlier than he would be entitled to occupy them had he entered the oversea command initially on the date of his marriage.

g. The service member will insure that an official record of his or her marriage (whether to an

alien or a United States citizen) is made with the proper local civil authority immediately after marriage has been accomplished.

**5. Exception to policy.** *a.* The Departments of the Army, the Navy, and the Air Force recognize the human aspects of situations leading to application for permission to marry an alien, and it is the intent of this publication that the procedures followed in oversea commands will be in accordance with the normal legal rights and privileges of United States citizens to the fullest extent practicable under existing local conditions which may affect individual actions and procedures of commanders.

*b.* In the event that a United States citizen desiring to marry an alien has been thoroughly counseled as set forth herein, and advised that in the opinion of the commander the intended alien spouse may be ineligible for admission to the United States if the citizen, the intended spouse, and his or her parents, if appropriate because of his or her age, indicate in writing that such advice has been received and nevertheless desire that the marriage take place, the commander may so authorize.

**6. Applications originating in other oversea command or in the United States.** Applications of military personnel who are stationed in the continental United States, its territories, or in an oversea command other than the one in which the proposed marriage is to take place, will be submitted through such channels as the service commander will prescribe and transmitted to the oversea commander concerned for processing.

**7. Human relations aspects.** *a.* The character-guidance program of the service departments recognizes an obligation to duplicate, so far as possible, the wholesome influences of the home, family, and community. The restrictions contained in this publication are not intended to prevent marriage, but rather to protect both aliens and United States citizens from the possible disastrous effects of an impetuous marriage entered into without appreciation of its implications and obligations, and the rights and restrictions imposed by Federal immigration laws.

*b.* Local information media will be utilized from time to time to effect understanding of marriage

regulations and their intent. Orientation of replacements will include this subject. Questions and discussions will be encouraged.

**8. Marriage between United States citizens.** Since marriage between United States citizens overseas does not involve the issue of admissibility of either partner, commanders need only be concerned that permission of parents is obtained, that appropriate divorce papers are available (if applicable), and that both parties are found on physical examination to be free from infectious venereal disease and active tuberculosis, and that they are adequately counseled on the problems and responsibilities of marriage.

**9. Marriage between aliens.** An alien member who intends to marry another alien will be advised that under the provisions of the Immigration and Nationality Act (66 Stat. 166), as amended (8 U.S.C. 1101 et seq.) with the exception of certain long-term employees of the United States for whom a special determination is made by the Secretary of State, only United States citizens and people born in Canada, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America may apply for entrance of alien spouses into the United States for permanent residence on a non-quota basis. In addition, spouses who were born in the enumerated places, other than the United States, may be eligible for admission to the United States for permanent residence on a non-quota basis because of the place of their birth.

**10. Entry of adopted children.** For personnel contemplating adoption of an alien child other than the alien child of a spouse, command directives will include information that in general adopted alien children are admissible to the United States only under appropriate quotas, except those cases provided for in paragraphs 2*d* (3) and (4). Appropriate physical examinations will be undertaken to determine as far as possible that the children are physically eligible for visas and entry.

**11. Optional administrative procedures for command regulations.** *a. Period of courtship.* Submission of intent to wed, officially recording intention of applying for permission to marry at a later date. This should identify both parties,

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and state submission is with the consent of intended spouse. (Exchange of data between Army, Navy, and Air Force commanders and cross-indexing encouraged.) Military personnel may be furnished acknowledgment of receipt.

*b. Marriage counseling.* A formal or informal after-duty course, including discussion and interview with a military chaplain, to include intended spouse where practicable.

*c. Financial preparation.* The individual may be urged to set aside definite portion of pay as savings and cautioned that failure to do so may prejudice approval of request for permission to marry or entry of spouse, if permission to marry is granted. (Particularly pertinent to personnel of pay grades E-4 with 4 or less years service for pay purposes, E-3, E-2, and E-1.)

[AGPF]

By Order of the Secretaries of the Army, the Navy, and the Air Force:

Official:

J. C. LAMBERT,  
Major General, United States Army,  
The Adjutant General.

Official:

R. J. PUGH,  
Colonel, USAF,  
Director of Administrative Services.

Distribution:

Army: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel,  
General:  
Active Army: A. NG: D. USAR: None.  
Air Force: S.  
Marine Corps: MARCORPS List "A".

*d. Application for permission to wed.* Inclosures may be required to support application, such as affidavit or evidence of legal freedom to marry, financial statement from those personnel of pay grades E-4 with less than 4 years service, E-3, E-2, and E-1, consent of parents where appropriate, character references for alien spouse, certificate of completion of marriage counseling, report of physical examination to indicate probable qualification of alien under immigration laws and freedom of the United States citizen from active tuberculosis and infectious venereal disease and indorsements of intermediate commanders.

*e. Submission of petition for immigration visa (nonquota).* This may be required immediately following marriage when appropriate. Suspense file may be maintained until visa is granted.

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