Headquarters United States Forces Korea Unit #15237 APO AP 96205-5237 United States Forces Korea Regulation 600-240

28 February 2013

Personnel-General

INTERNATIONAL MARRIAGES OF USFK PERSONNEL

*This regulation supersedes USFK Regulation 600-240, dated 17 July 2011.

FOR THE COMMANDING GENERAL:

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OFFICIAL:



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Summary. Insufficient regulation of international marriages involving U.S. Forces Korea (USFK) personnel has resulted in numerous void marriages and other problem situations in which the foreign national "spouse" is ineligible for marriage and/or immigration to the United States, creating a logistical burden and negative publicity for USFK. The intent of this regulation is to:

a. Preclude void marriages.

b. Reduce the number of military dependents ineligible for immigration.

c. Ensure that Service members desiring to enter into an international marriage are fully informed of and follow the regulatory procedures necessary to ensure that the marriage will be valid and that the intended spouse and other dependent(s) will be eligible to accompany the Service member upon permanent change of station (PCS).

Summary of Change. This revision includes the following procedural changes:

a. Updated Paragraph (para) 2-3 – When the Marriage Will Take Place In Korea.

b. Adds Para 2-4 – When the Marriage Will Take Place in Another Foreign Country.

c. Adds Appendix F – Certificate of Local Police Background Check Instructions.

d. Appendix G – provides an updated list of medical facilities in the Republic of Korea that are sanctioned.

e. Updated Appendix I – USCIS Immigration Outreach Services at Yongsan.

f. Updates hyperlinks to information pages throughout the regulation.

g. Provides better clarity on steps to take prior to marrying a non-U.S. citizen.

Applicability. This regulation applies to all active duty U.S. military personnel assigned in the ROK. This regulation does <u>not</u> apply to marriages between:

a. U.S. citizens.

b. U.S. Service members, regardless of citizenship.

c. U.S. Service member and a non-U.S. citizen who has a lawful U.S. permanent residence card.

Supplementation. Supplements to this regulation by subordinate commands are prohibited unless prior approval is obtained from USFK J1 (FKJ1-12), Unit #15237, APO AP 96205-5237, email: pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

Forms. USFK forms are available at <u>http://www.usfk.mil/usfk/</u> under the <u>Publications tab</u>. In addition, you can fill out forms described in this regulation at the Eighth Army Client Legal Services web page. Click <u>here</u> for more information.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Records titles and descriptions are available on the Army Records Management System website: <u>https://www.arims.army.mil</u>.

Suggested Improvements. The proponent of this regulation is USFK J1 (FKJ1-12), Policy and Programs Branch. Users are invited to send comments and suggested improvements on <u>DA Form</u> 2028 (Recommended Changes to Publications and Blank Forms) to USFK J1 (FKJ1-12), Unit #15237, APO AP 96205-5237, email: <u>pacom.yongsan.usfk.mbx.j11-workflow@mail.mil</u>.

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Chapter 1 Introduction

1-1. Purpose

To establish policy and procedures for marriage of U.S. Service members assigned in the Republic of Korea to non-U.S. citizens, regardless of where the marriage will take place. The provisions of this regulation are intended to--

a. Ensure that Service members have the necessary information to make an informed decision before entering into an international marriage.

b. Ensure that Service members and intended spouses comply with both U.S. and ROK laws.

c. Ensure that Service members and intended spouses are aware of applicable U.S. immigration laws.

d. Assist Service members in preparing a non-U.S. citizen spouse's petition for a U.S. visa.

e. Ensure appropriate chain of command leadership is supportive and oversees the international marriage process with their Service members.

1-2. References

a. Required publications.

(1) Commander Naval Forces, Korea Instruction 1752.1A, Marriage Within the U.S. Naval Forces, Korea Area, 22 July 2004.

(2) Marine Corps Order 1752.1C, Marriage in Overseas Commands, 1 June 1978.

- (3) Air Force Instruction 36-2609, Marriage in Overseas Commands, 11 August 1998.
- b. Related publications.

(1) United States Citizenship and Immigration Services, Seoul, Korea website on submitting an immigrant visa petition for the United States (click <u>here</u> to review).

(2) United States Embassy, Seoul, Korea website on obtaining an immigration visa to the United States (click <u>here</u> to review).

(3) Immigration Marriage Fraud Amendments of 1986, Public Law 99-639, 10 Nov 86.

1-3. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Commander's Intent

a. While all Service members assigned in the ROK have the same right to marry as other U.S. citizens, compelling military interests require that Service members, and the chain of command, follow the procedures set forth in this regulation prior to a marriage involving a non-U.S. citizen (a non-U.S. citizen is referred to as an "alien" by the Immigration and Naturalization Service). There must be a positive engagement of the chain of command, counseling professionals, and medical

authorities to ensure a deliberate, informal, and legally sufficient international marriage decision by USFK Service members. These interests include:

(1) Ensuring that before Service members marry a non-U.S. citizen, they are fully informed about obstacles to a valid or current marriage that may exist such as an intended spouse who is currently married to someone else or who is unlikely to qualify for entry into USFK installations. Marriages entered into in the absence of this information may result in spouses (and possibly children) being left behind in Korea when the Service member leaves, creating undue hardship on the family and creating a poor image for U.S. personnel serving in our host nation.

(2) Ensuring that there is sufficient time prior to a marriage for the chain of command to conduct appropriate background inquiries to obtain information on prospective spouses needed to meet force protection and installation access control requirements.

b. **This regulation is punitive.** Service members who violate the requirements of this regulation may be subject to punishment under the Uniform Code of Military Justice (UCMJ) and administrative or other adverse action.

1-5. Responsibilities

a. The Assistant Chief of Staff, J1, establishes policy and procedures for U.S. Service member marriages to non-U.S. citizens.

b. The commanders listed below have verification authority for acknowledging Service member compliance with USFK Reg 600-240:

- (1) Commander, Eighth Army (for all Army personnel).
- (2) Commander, 7th Air Force (for all Air Force personnel).
- (3) Commander, U.S. Naval Forces Korea (for all Navy personnel).
- (4) Commander, U.S. Marine Corps Forces, Korea (for all U.S. Marine Corps personnel).

(5) Commander, Special Operations Command Korea (SOCKOR) (for all SOCKOR personnel).

c. Verification authority may be delegated in writing to O-6 level Chiefs of Staff, or a brigade, area, wing, garrison or other appropriate O-6 level commander. Delegation to lower levels must be approved in writing by the Commander, USFK, ATTN: FKJ1-12, Unit #15237, APO AP 96205-5237, email: pacom.yongsan.usfk.mbx.j11-workflow@mail.mil. Verification authorities shall--

(1) Verify that proper procedures were followed by the Service member in accordance with this regulation prior to the marriage (see <u>Appendix L</u> for step-by-step guidance). The verification authority will ensure that the applicant's packet includes the following complete items:

(a) <u>USFK Form 163E</u> – Pre-marriage Certification Application (including a complete legal sufficiency review).

(b) <u>USFK Form 166</u> – Affidavit of Acknowledgement.

(c) <u>USFK Form 41</u> – Immigration Counseling Certificate.

(d) Proof of citizenship for both the Service member and intended spouse. Examples include a valid Passport, Birth Certificate, Consular Report of Birth Abroad, or Naturalization Certificate of citizenship.

(e) Parental consent forms if either the Service member or the intended spouse is under 18 years of age. If the intended Korean spouse is under the age of 20 (age 19, effective 1 July 2013 per new Korean law), written permission to marry from both parents is required.

(f) Proof of termination of any prior marriage(s), including an original or certified copy of divorce decree, annulment or death certificate for the Service member and/or for the intended spouse.

(g) Certificate(s) of local police background check(s) for the intended spouse.

(h) Ensure the supporting legal office performs a final legal sufficiency review (must be done after all documents are completed).

(2) Verification authorities will provide a quarterly International Marriage Report, through the chain of command, to the USFK J1, ATTN: FKJ1-12, Unit #15237, APO AP 96205-5237, email: <u>pacom.yongsan.usfk.mbx.j11-workflow@mail.mil</u>, of the number of applications received and the number of applications verified as complete. This report is due the second working day after the end of each quarter. See <u>Appendix K</u> for the format.

d. The battalion / squadron or equivalent level commander in the Service member's chain of command shall--

(1) Counsel the Service member and intended spouse (if present) on the financial and moral support obligations of international marriage and on immigration fraud. This two-part counseling is explained in subparagraphs 2-2b and c. <u>Appendix I</u>, Commander's Guide to Premarriage Counseling, provides additional information needed to conduct these mandatory sessions. Also see <u>Appendix L</u> for step-by-step procedural guidance. This requirement does not apply to the intended spouse if the intended spouse is not, and will not be, physically present in the ROK prior to the marriage.

(2) Verify the Service member's financial stability and ability to afford the cost of the intended spouse's travel to the United States.

(3) Assist the Service member in processing his/her application.

(4) Ensure the Service member receives pre-marriage advice and counsel from a military chaplain. Military chaplains are specially trained in marital counseling and cross cultural sensitivity. This advice and counsel shall not be religious in nature, unless requested by the Service member.

(5) Verify the Service member's marital status by reviewing his or her military personnel record and finance record. If the records reveal that a previous marriage existed, ensure that the marriage has been dissolved and that the records are updated.

(6) Ensure the Service member is counseled by a legal officer.

(7) Counsel the Service member on the importance of the certificate of local police background check on the intended spouse. This certificate of local police background check is

used by the Service member to make an informed decision due to potential complication involving background checks that may reveal any criminal offense(s) which may make the intended spouse ineligible for entry into or immigration to the U.S.

(8) Ensure the Service member is counseled by the unit's security officer on the possible effect marriage to a non-U.S. citizen would have on the following:

(a) Security clearance - marriage to the intended non-U.S. citizen spouse may result in reduction or loss of clearance.

(b) Eligibility to continue a career in the intelligence field.

(c) Career goals if reclassified to another series.

(d) Access to Sensitive Compartmented Information (SCI). Service members with such access should be thoroughly briefed on the need for requesting waivers to standards for maintaining access. The Service member must allow at least six months for the National Agency Check (NAC) equivalent on the intended spouse before the planned marriage date. Additional information may be obtained from local special security offices.

(9) Counsel the Service member on the importance of a medical examination for the intended spouse. This examination is to detect physical conditions that may bar the intended spouse from entry into the U.S.

(10) Ensure Service member receives a pre-marriage medical examination.

e. Chaplains shall--

(1) Provide general pre-marriage counseling and certify completion of pre-marriage counseling on USFK Form 163-E. This counseling will not be religious unless requested by the Service member, and will be in accordance with AR 165-1 and Appendix I of this regulation.

(2) Provide cross-cultural marriage counseling to the Service member and the intended spouse. Couples should know that differences in culture which will be present in their relationship, and they should recognize the differences and be prepared to learn about each culture, show respect and understanding for each other's heritage (as described in Appendix I-2).

(3) Strongly encourage the Service member and intended spouse to attend cross-cultural lectures if available at their location. This requirement does not apply to the intended spouse if the intended spouse is not, and will not be, physically present in the Republic of Korea prior to the marriage.

f. Legal officer shall--

(1) Brief the Service member that the marital legal briefing is not a confidential attorneyclient communication, and that if the Service member desires legal assistance, an appointment with a separate legal assistance attorney, consistent with Service legal assistance regulations, will be arranged.

(2) Brief the Service member and intended spouse on the Immigration and Nationality Act (Title 8, United States Code § 1101 et seq.) and on the status of the intended spouse under the immigration and naturalization laws of the U.S. This requirement does not apply to the intended

spouse if the intended spouse is not, and will not be, physically present in the ROK prior to the marriage. The legal officer will complete USFK Form 41, Immigration Counseling Certificate (<u>Appendix B</u>). Service components may use their own forms. In addition to procedural issues, the briefing will include:

(a) That under Title 8, United States Code § 1328, the importation into the United States of a non-U.S. citizen for an immoral purpose is a crime punishable by a fine and/or imprisonment for not more than ten years; and

(b) That under Title 8, United States Code § 1227(a)(1)(G), a marriage entered into less than two years prior to admission of a non-U.S. citizen into the United States which is judicially annulled or terminated within two years after admission into the United States is presumed to be a fraudulent marriage.

(3) Brief the Service member and intended spouse on legal eligibility to marry when either a divorce or annulment of a prior marriage by either party is involved. This requirement does not apply to the intended spouse if the intended spouse is not, and will not be, physically present in the ROK prior to the marriage.

(4) Brief the Service member and prepare a summary of opinion for attachment to the application if the validity or finality of the divorce or annulment decree is doubtful.

(5) Brief the Service member on the laws concerning the legal status of the intended spouse and family members and the requirements for U.S. citizenship.

(6) Brief the Service member on any circumstances in which waiver of residency requirements for naturalization may be authorized for the intended spouse and other family members.

(7) Brief the Service member on the possible punishments for violation of Article 92 of the UCMJ as it pertains to compliance with the requirements set forth in this Regulation.

g. The U.S. Forces Medical Officer shall:

(1) Review the intended spouse's medical examination from the designated medical facility to assess probable qualification according to <u>U.S. Public Health guidelines</u> and immigration laws for entry into the United States.

(2) Endorse the Service member's application indicating the intended spouse has completed a visa medical examination at a designated medical facility sanctioned by the Embassy of the United States of the country where the intended spouse resides.

(3) Endorse the Service member's application indicating the Service member has completed a pre-marriage medical examination.

(4) Ensure all cases of detected communicable diseases are referred to a medical treatment facility for medical care and treatment, and followed by the appropriate military and/or civilian public health system for epidemiological contact investigation and management.

(5) Ensure patient privacy and confidentiality are safeguarded in accordance with (IAW) all applicable laws and policies.

NOTE: Additional medical examination evaluation instructions and guidance are provided in <u>Appendix G</u>.

Chapter 2 Policy and Procedures

2-1. Policy

a. Military personnel stationed in Korea have the same right to marry as any other U.S. citizen. Command verification of procedural marriage requirements will be granted in all instances where the provisions of this regulation have been met if--

(1) There is no evidence that the Service member and intended spouse are currently married.

(2) There are no indications that the intended spouse would be barred entry to the U.S. through inability to meet required physical, mental, or character standards.

(3) The Service member has shown financial ability, not limited to any particular form of financial security, to prevent the intended non-U.S. citizen spouse from becoming a public charge.

(4) The marriage is not solely for securing a visa for the intended spouse with no intention of living together as husband and wife.

b. Once the Service member has completed all applicable requirements in this regulation, and the verification authority has completed Section VIII of USFK Form 163E, Pre-marriage Certification Application, the parties may proceed with the marriage.

c. Marriage in Korea is a civil procedure, so a religious ceremony does not create a legal marriage. A common misunderstanding is that parties will be married at the Embassy; in fact, parties will be married under the laws of Korea.

2-2. Pre-marriage Procedures

The Service member will initiate and complete the application process as follows (also see <u>Appendix L</u> for step-by-step procedural guidance). Steps must be followed in the exact order set forth, or at a minimum, at least the steps as outlined in paragraph 2-2a through 2-2c:

a. Notify the Service member's chain of command of the intent to enter into an international marriage.

b. Schedule the first counseling interview with the battalion / squadron or equivalent level commander in the Service member's chain of command. Both the Service member and the intended spouse must be present (this requirement does not apply to the intended spouse if the intended spouse is not, and will not be, physically present in Korea prior to the marriage). Appendix I, Commander's Guide to Pre-marriage Counseling, is provided as a tool to assist commanders in preparing for the interview. The commander will inform the Service member what constitutes visa fraud and the penalties for marriage with a foreign national solely to circumvent U.S. immigration law. The Service member will wait a minimum of 48 hours after the initial counseling to reflect on the topics discussed before scheduling a second counseling interview by the chain of command. The waiting period will not be waived.

c. Schedule a second counseling interview with the battalion/squadron or equivalent level commander. The intended spouse will not attend this session. During this interview, the commander will advise the Service member that he or she may be involuntarily extended in Korea to fulfill the administrative requirements of this regulation. A minimum of 6 months remaining before a Service member's DEROS is recommended for involuntarily extensions for the purpose of this regulatory guidance. The battalion / squadron or equivalent level commander will counsel the Service member alone and have the Service member sign USFK Form 166, Affidavit of Acknowledgment (see <u>Appendix E</u>). USFK Service components may use their own forms. The affidavit must be sworn to before an officer authorized to administer oaths (such as an adjutant, legal officer, or the commander).

d. Prior to marrying a non-U.S. citizen, Service members are required to notify the local Special Security Officer and their security manager. For Service members with access to Sensitive Compartmented Information, a National Agency Check equivalent may be required on the intended non-U.S. citizen spouse before the anticipated marriage date. Service members should plan for the NAC equivalent to take at least 6 months. The NAC equivalent serves as the background investigation.

e. Prior to marrying a non-U.S. citizen. Service members are required to obtain certificate(s) of local police background check(s) on the intended spouse.

(1) The certificate(s) of local police background check(s) must be obtained from:

(a) The intended spouse's country of nationality, if the intended spouse's presence there occurred after age 16 and was 6 months or more;

(b) The intended spouse's country of current residence, if the intended spouse's presence there occurred after age 16 and was 6 months or more;

(c) The intended spouse's residence in any other countries for all stays of 12 months or more after age 16.

(2) If the intended spouse's certificate(s) of local police background check(s) contain any adverse information, the Service member must provide the full related arrest, court or prison record.

f. Schedule Chaplain pre-marriage counseling IAW paragraph 1-5e.

(1) Members are directed to contact unit chaplain for advice and guidance concerning premarriage counseling requirements and the conduct of religious marriage ceremonies. Marriage preparations and performance of marriage ceremonies will comply with the chaplains' conscience and the Service member's distinctive faith requirements.

(2) The performance of marriage ceremonies for DOD military personnel overseas will comply with all applicable civil law requirements of the host nation, service regulations, and any other military command directives Refer to paragraph 2-1 (c).

g. Schedule legal pre-marriage counseling IAW paragraph 1-5f.

h. Schedule and obtain a pre-marriage medical examination IAW paragraph 1-5g and the instructions in <u>Appendix G</u>.

i. The Service member will submit the following documents (as applicable) to his/her commander (service components may use their own forms). A copy of each of the following documents will be maintained by the member's commander for a minimum of 2 years after final approval to support command inspection and reporting requirements. The documents may then be disposed of according to established disposition instructions for each of the various forms. The forms are to be maintained and protected in accordance with appropriate privacy instructions:

(1) USFK Form 163E, Pre-marriage Certification Application. This form documents the pre-marriage process each applicant must follow (see <u>Appendix A</u>).

(2) USFK Form 41, Immigration Counseling Certificate (signed by a legal officer) (see <u>Appendix B</u>).

(3) Certificate(s) of local police background check(s) on the intended spouse.

(4) Proof of citizenship for both the Service member and the intended spouse (for example, certification of citizenship, valid passport, or birth certificate).

(5) The birth certificates of the intended non-US citizen spouse and of any additional dependents to be acquired by the marriage (for example, children of the intended spouse (see <u>Appendix C</u>)).

(6) If the marriage will take place in Korea, parental consent of the parents of any party (the Service member or the intended spouse) under 20 years of age (age 19, effective 1 July 2013 per new Korean law). Twenty years of age is the legal age to marry in Korea without such consent until 1 July 2013. Effective 1 July 2013, the new age of consent is 19 (see <u>Appendix D</u>).

(7) Evidence of termination of any previous marriage by either party. Divorce documents must bear the seal of the court or other agency granting the divorce.

(8) USFK Form 166, Affidavit of Acknowledgment regarding visa fraud penalties (see <u>Appendix E</u>).

(9) A report of medical examination of the Service member signed by a U.S. Forces Medical Officer (see <u>Appendix G</u>).

(10) An endorsement by a U.S. Forces Medical Officer indicating that the intended non-US citizen spouse has completed the appropriate health assessment according to U.S. Public Health guidelines, from a designated medical facility sanctioned by the Embassy of the United States of the country where the intended spouse resides.

(11) The Service member must provide English translations on all documents not written in English. The English translations of non-Korean documents must be certified by a competent translator and notarized.

j. The battalion/squadron or equivalent level commander conducts a final review to ensure premarriage procedures as set forth in this regulation have been satisfied. If all required procedures have been satisfied, the commander signs Section V of USFK Form 163E, and then forwards it through command channels for the final medical/legal sufficiency reviews (Sections VI and VII) and then to the verification authority. k. The verification authority reviews the application for completeness and signs Section VIII of USFK Form 163E, acknowledging the Service member has successfully completed USFK Reg 600-240 procedures. The original USFK Form 163E is returned to the Service member, a copy is maintained in the unit commander's local files per Para 2-2h of this regulation and a copy is forwarded to USFK J1.

I. For Non-Korean citizens, the following is a list of required documents with specific information for Russian and Filipino citizens:

(1) Certificate of No Impediment to Marriage (1 original), or Certificate of Legal Capacity to Contract Marriage, or Affidavit of Eligibility for Marriage.

(2) Russian Embassy in Seoul Phone: (02)318-2116/2117/2118 or (02)754-0460. http://seoul.rusembassy.org/ or email: rusemb@uriel.net.

- (a) International Passport (must be signed).
- (b) Russian Passport (or photo copy of entire passport).
- (c) Original Birth Certificate.
- (d) Cost: ~ $\forall 40,000$ (cost subject to change without notice).

(3) Philippine Embassy in Seoul Phone: (02) 577-6147 or 574-6148, email: <u>seoulpe@kornet.net</u>. Before any documents will be released by the Philippine Embassy, the Philippine national must watch a short video presentation on the situation of Philippine spouses in Korea. The Philippines Embassy will release the documents only after the applicants have seen the video, which talks about life in Korea. The video, which lasts 20 minutes, is part of the embassy's educational and awareness campaign to help marriage migrants. The video covers family culture in Korea, including stories about the experiences of other Filipinos and advice to ensure the welfare of Filipino nationals living in a binational matrimonial union. Two dates are offered, Tuesdays and Thursdays, at 11:30 a.m. or 2 p.m. More information can be had by visiting www.philembassy-seoul.com or call the embassy at (02) 796-7387.

- (a) Valid Passport.
- (b) Birth Certificate.
- (c) Parental Affidavit of Singleness.
- (d) Certificate from National Statistics Office of no Record of Marriage.
- (e) If under 25, Parent Advice.
- (f) Cost: ~ \$40.00 or #40,000 (cost subject to change without notice).

2-3. When The Marriage Will Actually Take Place In Korea (see <u>Appendix L</u> for step-by-step procedural guidance)

a. If the Service member's intended spouse is not a Korean or American Citizen, the Service member must ensure the intended spouse contacts his/her own Embassy for information on what is required to marry in Korea as the procedures followed by other embassies may differ. The

Service member must ensure fulfillment of those requirements prior to going to the Korean Ward office. If the parties will marry in a country other than Korea and therefore have the marriage recorded in that other country, skip to paragraph 2-4 below.

b. In Korea, marriage in a church, by a chaplain, etc., does not constitute the marriage. The parties are recognized as married when certain clerical procedures are complete and a Verification of Registration of Marriage (if neither party is a Korean national) is issued, or the marriage is recorded in the Korean Family Relations Registration System (if one party is a Korean national).

c. The supporting legal assistance office has a number of resources related to marrying in Korea. A common misunderstanding is that parties will be married at the U.S. Embassy; in fact, a Service member and their intended spouse will be married under the laws of Korea. Marriage in Korea is a civil procedure, so a religious ceremony, while often more meaningful, does not create a legal marriage.

d. After USFK Form 163E is completed and signed by the verification authority, the Service member and intended spouse will proceed to:

(1) The supporting legal assistance office for reviewing the marriage documentation and review and notarization of USFK Form 165. This form can be found online at the USFK Home Page under <u>Publications</u> / Forms or at the Eighth Army <u>Client Legal Services</u> web site under the <u>Marriage Services</u> section. If a review of the Service member's USFK Form 163E reveals that the Service member has not complied with all regulatory procedural requirements, the Service member will be referred to and seen by a legal assistance attorney for legal advice prior to notarization of USFK Form 165. Note: If the intended spouse is not Korean, then before coming to the supporting legal assistance office, the intended spouse must obtain from his or her embassy in Korea documentation showing the intended spouse is eligible to marry. Such documents are particular to each country's embassy and may be called by such titles as Certificate of Legal Capacity to Contract Marriage, Letter of Nonimpediment, etc. A copy of this document must be brought to the supporting legal assistance office. See the supporting legal assistance office for more information.

(2) The local Korean Ward Office to register the marriage. The Service member, along with the intended spouse, will take the required documents along with the notarized Affidavit of Eligibility for Marriage (USFK Form 165) to the local ward office (Gu Cheong;구청) for approval by a Korean government official. The ward office will provide a "Verification of Registration of Marriage" (수리증명서, pronounced soo-ree jeung-myung-suh). When neither of the marriage partners are Korean citizens, they will receive this verification form right away. However, if one spouse is a Korean citizen, this process can take up to 3-5 days, and will also be reflected on the Korean Marriage Certificate (혼인관계중명서, pronounced hone-in-gwan-gae jeung-myung-suh).

(3) The "Verification of Registration of Marriage" and "Korean Marriage Certificate" documents will be in Korean. The Service member will need to have the "Verification of Registration of Marriage" or "Korean Marriage Certificate" document authenticated with an Apostille from the Korean Ministry of Foreign Affairs and Trade, or from the Korean Ministry of Justice (with a notarization from an authorized Korean agency), both offices located in Seoul. An Apostille is a means by which member countries of the Hague Convention confirm the document was issued by competent authority. Service members will also need to have the "Verification of Registration of Marriage" or "Korean Marriage Certificate" document translated into English and notarized. See the supporting legal assistance office for more information.

e. A Service member who desires a religious ceremony, in addition to the required civil procedures, may contact a military chaplain or civilian clergy person of his or her faith.

2-4. When The Marriage Will Take Place In Another Foreign Country

a. While consular offices at U.S. Embassies are not authorized to perform marriages, they can assist U.S. citizens with the paperwork necessary for a legal marriage. Service members should contact the U.S. Embassy in the specific country where the marriage is to take place to find out more information. Service members should ensure the marriage certificate is translated into English, and authenticated with an Apostille by the appropriate foreign governmental agency or authenticated by the U.S. Embassy, in the country where the marriage took place, prior to returning back to Korea.

b. If a Service member intends after the marriage to return back to Korea with a foreign spouse, the Service member should first confirm in advance the entry requirements for the foreign spouse to accompany the Service member back to Korea. See the supporting legal assistance office for more information.

2-5. Immigration Procedures

After marriage, if the intent is for the spouse to become a legal permanent resident of the U.S., the Service member should immediately initiate the procedures required to obtain an immigrant visa for the spouse. The Service member will keep his or her battalion / squadron or equivalent level commander informed of the status of the application process, including the date the visa is approved. For specific instructions on how to apply for an immigrant visa here in Korea, click on the U.S. Embassy in Seoul web site at <u>Visa Categories</u>. Visit your local legal assistance office for immigration forms and other assistance.

Appendix A <u>USFK Form 163E</u>, Pre-marriage Certification Application

				PPLICATION	
		m, see USFK Reg 600 EQUIRED BY TH			
	J.S.C. 3013, 5013	3, 8013			
	into an internatio	nal marriage and compl	y with U.S. and host	nation law.	
informed	decision and is o	complying with U.S and	host nation law.	formation necessary to make an	
		s voluntary; failure to gi EG 800-240 prior to m		ay result in delay in caticitying the	
		INSTRU			
 The following supporting of be obtained by the Service m 				ertificates of the Service member and ouse and their dependents. Copies	
application:	ennoer and s	dominaed what the		ust be certified or true copies issued by	
 Netwined statement of 	anneat of th	a anna tao la ant	proper gover such records	mmental agency or official having custor	
 a. Notarized statement of guardian responsible for the 			such records	ь.	
who is below the legal age to	marry without	it such consent in		ther documents as may be required by	
the nation or locality where the	ie marriage is	to take place.	commander REG 600-24	in order to verify compliance with USFK 0.	
b. Notarized statement of				-	
guardian for the custody of th	ie applicant if	under legal age.		re is not enough space under any item t eded information, reference Section III.	
c. Final divorce decree, a			"Remarks" a	nd continue information there. Section I	
documentary evidence of the marriage by divorce, annulme				ill contain a cross reference to the item	
marriage by divorce, annum must be certified or true copy				ued. More sheets may be added as nee or properly named.	
governmental agency or offic	ial having cu	stody of such			
records.	SECTI	ON I - PERSONAL	DATA OF APP	PLICANT	
 APPLICANT (Last name, first name) 				2. SOCIAL SECURITY NUMBER	
3. GRADE		4. ROTATION DAT	E	5. ETS	
6. COMPLETE MILITARY ADD	RESS (Include 2	IP code)	7. LEGAL RES Country)	IDENCE (Number, Street, City, State, ZIP code,	
			country)		
8. PLACE OF BIRTH (City, State,	Country)		9. DATE OF BI	RTH (YYYYMMDD)	
10. CITIZENSHIP			11. NUMBER OF DEPENDENTS		
IV. OTTZENONIP			11. NUMBER OF DEPENDENTS		
12. PLACE WHERE MARRIAGE	E CEREMONIE	S WILL TAKE	13. APPROXIM	ATE DATE MARRIAGE WILL TAKE PLACE	
PLACE (City, Country)					
14. FORMER SPOUSE NAME		PAST MARRIAGES ERMINATED		REASON	
15.		ENTS OF APPLICA		4000500 (
NAME	DAT	E OF BIRTH F	RELATIONSHIP	ADDRESS (Include ZIP Code)	

	(Comple	te Item 16 I	f appli	icant is an E	-4 or below	with 2 years (or less o	f service)		
16. I have enough funds a Intended spouse and any o	ther family r	nembers. I u	ndersta	nd that this nee	ed must be m	et to make sure th	hat my inte	ended spou	se and other family	
members will not become a understand that knowingly	public char faisifying the	ge of the Unit	ted Stat	es Governmen t in punishmen	 I certify the tunder applic 	at the contents of	this form	are accurat U.	e and complete and	1
SIGNATURE OF APPL	CANT			ORGAN	ZATION			DA	TE (YYYYMMDD)	
						INTENDED S	POUSE			
17. INTENDED SPO	USE (Las	t name, first n	ame, n	iddie name, M	alden name)					
18. PRESENT ADD	RESS (inc	ude ZIP Cod	e)		19. LEG	AL ADDRES	S (Perma	nent addres	is and ZIP Code)	
20. DATE OF BIRTH			21.	PLACE OF	BIRTH		22. C	TIZENS	HIP	
23.		PAST MA	RRIA	GES OF IN	TENDED	SPOUSE				
FORMER SPOUSE	NAME			INATED			REA	SON		
						_				
24. NAME				F INTENDE		RELATIONS	HIP	ADDRE	SS (Include ZIP Co	de)
	(Comple	te Items 25		2 If Intended ed States for		not been lawfu residence)	ily admit	ed in the		
25. NAME as it appears in	passport or	official docur					ID card			
26. NAME AND ADDR	ESS OF P	RESENT E	MPLO	YER	27. PA	SSPORT NUM	BER AN	D PLACE	OF ISSUE	
					28. ID	NUMBER AND) PLACE	OF ISSU	E (if applicable)	
29.	DATES	AND PLAC	ES OF	RESIDENCE	(Since 16 y	ears of age with i	nclusive d	ates)		
FROM (YYYYMMDD)	TOm	YYMMDD)		MBER AND REET	CITY		STATE		COUNTRY	
			┢							
30. HAS INTENDED S	POUSE EV	ER BEEN	CONV	ICTED OF A	NY CRIMES	OTHER THAN	N MINOR	TRAFFIC	VIOLATIONS:	(IT YES'
give full details)										
									_	e 2 of 5

	Last name, first name, mid	die name)		
		-		
32. PRESENT ADDRE	SS (Include ZIP Code)		33. LEGAL ADDR	ESS (Permanent address; Include ZIP Code)
34. DATE OF BIRTH		35. PLACE OF BIR	тн	36. CITIZENSHIP
37. MOTHER'S NAME	(Last name first name mid	ddie name. Maiden nam	ne)	
38. PRESENT ADDRE	SS (Include ZIP Code)		39. LEGAL A	DDRESS (Permanent address; Include ZIP Co
40. DATE OF BIRTH		41. PLACE OF	BIRTH	42. CITIZENSHIP
42 DEMARKS (This or	and in the continuation	of information people	d in other items when	e there is no enough space.)
	SECTION III. COI	MMAND OR ST	AFF CHAPLAIN	COORDINATION
	SECTION III. COI	MMAND OR ST	AFF CHAPLAIN	COORDINATION
			AFF CHAPLAIN	COORDINATION
I certify that counselin			AFF CHAPLAIN	COORDINATION
I certify that counselin		Ŀ		COORDINATION gnature of Chaplain
	ng has been provided	Ŀ		
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Date:	ng has been provided Grade	e: SECURITY OFFI		gnature of Chaplain
Date:	ng has been provided Grade	e: SECURITY OFFI		gnature of Chaplain

SECTION IV - S	TATEMENT	OF APPLICANT (Check pertinent paragraphs)	
 I have read and understand USFI 	K REG 600-24	40.	
□ 2.1 □ am □ am not related to n		house by blood. how degree of relationship)	
		use's dependents to make sure they do not jovernmental agencies of any other country	
 4. I understand the United States is the United States except as provided 		to transport my spouse and other dependents to U.S. Armed Forces directives.	
 5. I understand travel in connection v take place is my responsibility. It 		and from the country where the marriage is to expense to the U.S. Government.	
who are not lawful permanent resi permanent residence. I am ready members. I understand it is my re category visa after the marriage. I	dents of the U to request su sponsibility to have all docu	e met for my intended spouse and other depend Inited States, to gain entry into the United States ch entry for my intended spouse and family apply for an immediate relative or preference uments needed for completing Immigration and lassify Status of Alien Relative for Issuance of	
dependents being granted an imn there is no certainty that admittan	nigration visa. ce to the Unit	not result in my intended spouse and other Also, I understand, even if a visa is granted, ed States will be granted at the port of entry. Fu and Naturalization makes the final decision	rther,
 8. My intended spouse and other de for processing of visa application(e a valid passport(s) or will have them in time	
9. My intended spouse and other de	pendents hav	e obtained any necessary exit permit(s). (If applic	able).
 10. I will comply with the local laws a take place. 	nd requirement	nts of the country in which the marriage will	
11. Entrance into the United States of other dependents for the followin		s not contemplated by my intended spouse and	
		prior to receipt of application verification, I will ing of this application may be stopped.	-
 13. I understand that marriage to a ne clearance. 	on-U.S. citizer	n may result in reduction or loss of security	
14. A list of attachments are contained			
		ONTAINED HEREIN IS TRUE, CORRECT AND KNOWLEDGE AND BELIEF.	COMPLETE TO
DATE (YYYYMMDD)	GRADE	SIGNATURE OF APPLICANT	
		IL	

		EVERE PENALTIES WHICH INCLUDE FIN EMENT OR EVIDENCE OF A MATERIAL F		
SECTION V -	ACTION OF A	PPLICANT'S BATTALION / SQUA COMMANDER	DRON	OR EQUIVALENT LEVEL
1. THE APPLICANT	□ HAS □ HA	S NOT BEEN COUNSELED BY A MIL	LITAR	CHAPLAIN.
2. THE APPLICANT	□наз □на	S NOT BEEN BRIEFED BY A LEGAL	OFFIC	ER.
3. THE APPLICANT	⊡ наз ⊡ на	S NOT BEEN EXAMINED AND COUN	NSELE	D BY A MEDICAL OFFICER.
4. THE INTENDED S	POUSE HA	AS HAS NOT BEEN EXAMINED B	BYAM	EDICAL PROFESSIONAL.
		IFIED FROM THE APPLICANT'S OFFI S THAT HE OR SHE IS NOT PRESEN		
CONNECTION WITH	THE PROPOSE AVE OR CAN BE	CUSSED WITH THE APPLICANT HIS/ D MARRIAGE. HE/SHE HAS SATISFI E MADE FOR THE SUPPORT OF		
7. I I HAVE I H REQUIREMENTS AS		IFIED THAT THE APPLICANT SATISF USFK REG 600-240.	IED AL	L THE PRE-MARITAL
DATE (YYYYMMDD)		RADE OF BATTALION / SQUADRON	OR	SIGNATURE
EQUIVALENT LEVEL COMMANDER				
	SECTIO	VI - FINAL MEDICAL SUFFICIEN	ICY R	EVIEW
WITH APPENDIX F. 2. THE INTENDED S ACCORDANCE WITH 3. THE APPLICANT		AS NOT COMPLETED A PRE-MARIT S	-MARIT	TAL EXAMINATION IN
DATE (YYYYMMDD)		NAME AND GRADE OF MEDICAL OFFICER	sic	GNATURE
	SECTIO	N VII - FINAL LEGAL SUFFICIEN		VIEW
			DVC-	
THIS APPLICATION		OT LEGALLY SUFFICIENT. REMAN	nno.	
		NAME AND GRADE OF LEGAL		GNATURE
				GNATURE
		NAME AND GRADE OF LEGAL	SIC	
DATE (YYYYMMDD)	SE HAT THE APPL	NAME AND GRADE OF LEGAL OFFICER		Y
DATE (YYYYMMDD) I HAVE VERIFIED T IN USFK REG 800-24	SE HAT THE APPL 0.	NAME AND GRADE OF LEGAL OFFICER CTION VIII - VERFICATION AUTH	IORITY -MARI	Y
DATE (YYYYMMDD)	SE HAT THE APPL 0.	NAME AND GRADE OF LEGAL OFFICER CTION VIII - VERFICATION AUTH ICANT HAS SATISFIED ALL THE PRE GRADE OF COMMANDER OR APPOIN	IORITY -MARI	Y TAL REQUIREMENTS SPECIFIED

IMMIGRATION COUNSELING CERTIFICATE	DATE
STATEMENT OF APPLICANT AND INTENDED SPOUSE	
In accordance with USFK Reg 600-240, the following has been explained to undersigned:	the
1. <u>WARNING</u> : The fact that a marriage takes place between an U.S. Service a non-U.S. citizen does not mean that the non-U.S. citizen spouse is automa to enter the United States. A visa, issued by the U.S., is required to enter the for residence. Other US agencies are responsible to determine whether a vis granted.	tically allowed U.S. lawfully
2. <u>Entry of Non-U.S. Citizens</u> : A non-U.S. citizen is any person not a citizen the United States. A valid unexpired immigrant visa is required for a non-U.S admitted to the U.S. A valid unexpired passport or other suitable travel documents by the non-U.S. citizen's country of citizenship is also required (8 U.S.C. § 11 1181(a)).	6. citizen to be ment issued
3. <u>Criminal Penalties</u> : The importation into the United States of any non-U.S immoral purpose is a crime punishable by a fine and imprisonment for not more years (8 U.S.C. § 1328).	
4. <u>Legal Presumption That a Marriage of Short Duration is Fraudulent</u> : A mainto less than two years prior to admission of a non-U.S. citizen into the Unite which is judicially annulled or terminated within two years after admission into presumed to be a fraudulent marriage (8 U.S.C. § 1227(a)(1)(G)).	ed States
5. <u>Persons Not Allowed Visas</u> : Unless otherwise provided by the United Sta following persons shall be ineligible to receive visas and shall be excluded fro to the United States (8 U.S.C. § 1152):	
a. Non-U.S. citizens afflicted with mental illness, sexual deviation, or who	o are mentally

a. Non-U.S. citizens afflicted with mental illness, sexual deviation, or who are mentally retarded, insane, or have had attacks of insanity.

b. Non-U.S. citizens who are narcotic addicts or alcoholics.

c. Non-U.S. citizens who have tuberculosis, venereal disease, or any other dangerous contagious disease.

d. Non-U.S. citizens who have any other disease or defect that may affect the person's ability to earn a living.

e. Non-U.S. citizens who are paupers, vagrants, or professional beggars.

f. Non-U.S. citizens convicted of a crime involving moral turpitude, such as theft, rape, assault and battery.

g. Non-U.S. citizens convicted of two or more offenses.

h. Non-U.S. citizens who are prostitutes, who have engaged in prostitution, or who have received in whole or in part the proceeds of prostitution.

USFK Form 41. March 2007

i. Non-U.S. citizens who, in the opinion of the U.S. Consul Office or the U.S. Attorney General, are likely to become public charges.

j. Non-U.S. citizens who try to obtain or have obtained a visa by fraud or by willfully misrepresenting a material fact.

k. Non-U.S. citizens who have been convicted of a violation of narcotics or marijuana laws.

I. Non-U.S. citizens who are anarchists, opposed to organized government, advocates of violent overthrow of the government, or affiliated with the Communist Party.

6. <u>Right to Appeal Exclusion:</u> When the decision has been made by the U.S. Consulate not to allow a non-U.S. citizen to enter the United States, the non-U.S. citizen has the right to appeal to the U.S. Attorney General.

7. <u>Privileges</u>: The eligibility of dependents for military privileges is outlined in appropriate service regulations.

DATE							
INTENDED NON-U.S. CITIZEN SPOUSE NAME, SIGNATURE, AND DATE							
	LEGAL OFFICER CERTIFICATIO	Ν					
and briefed bo	wed and oth regarding the requirements and restrictions co y Act, together with the other information outlined						
DATE	NAME AND GRADE OF LEGAL OFFICER	SIGNATURE					
CF: Intended Spor Applicant	Intended Spouse						

USFK Form 41. March 2007

Appendix C Birth Certificate

C-1. The birth certificate serves as the primary means of identification of the two parties to be married. It is taken as proof of U.S. citizenship of the Service member and in turn, allows him or her to petition for issue of a non-quota immigrant visa for the non-U.S. citizen spouse.

C-2. The Service member and intended spouse will each submit a copy of their respective birth certificates and those of any additional family members who will be acquired by the marriage. Birth certificates must be either original or certified copies issued by the county, state, country, territory, or other government instrumentality maintaining those records. Certification of a true copy will have a raised seal or original signature with the imprint of a rubber seal and proper certification of the issuing authority.

C-3. In exceptional cases where the Service member is unable to obtain his/her birth certificate, the verification authority will make a determination based on secondary evidence of citizenship about whether or not to verify the Pre-marriage Certification Application. Direct coordination between the verification authority and the American Embassy (American Citizen Service Section) is encouraged.

Appendix D Parental Consent Information

The Service member or intended spouse will submit a notarized statement of consent of the parent(s) or legal guardian(s) if either the Service member or intended spouse is under the legal age to marry without such consent as prescribed by the laws of their respective domiciles. The notarized statement will include the full name, date of birth, relationship of the person(s) granting permission, and the date the permission is granted. Under Korean law, parental consent is required of persons under the legal age of 20 years (for purposes of calculating legal age, the age of a Korean is calculated the same as in the United States). A Certificate of Seal for the signatures of either parents or legal guardians, dated within 90 days of the completed application, is required if either intended spouse is not yet 20 years of age (age 19, effective 1 July 2013 per new Korean law).

AFFIDAVIT OF ACKNOWLEDGEMENT

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, U.S.C. 3013, 5013, 8013

PRINCIPAL PURPOSE: To ensure that the Service member has the necessary information to make an informed decision before entering into an international marriage and comply with U.S. and host nation law.

ROUTINE USES: Information will be used for ensuring the Service member has all the information necessary to make an informed decision and is complying with U.S and host nation law. DISCLOSURE: Disclosure of information is voluntary; failure to give this information may result in delay in satisfying the requirements of USFK REG 600-240 prior to marriage.

DO HEREBY ACKNOWLEDGE THAT I AM AWARE THAT ENTRY Ι. INTO A MARRIAGE WITH A NON-U.S. CITIZEN FOR THE PURPOSE OF CONFERRING IMMIGRATION ELIGIBILITY AND CIRCUMVENTING THE LAWS OF THE UNITED STATES MAY SUBJECT ME TO PROSECUTION FOR VIOLATING TITLE 18 U.S.C. 1001 (FALSE STATEMENTS), 8 U.S.C. 1324 (BRINGING IN NON-U.S. CITIZENS), AND/OR 18 U.S.C. 1621 (PERJURY) AND MAY RESULT IN A FELONY CONVICTION WHICH IS PUNISHABLE BY FINE AND/OR IMPRISONMENT. I AM ALSO AWARE THAT IF I MARRY LESS THAN TWO YEARS BEFORE MY SPOUSE ENTERS THE U.S., AND THE MARRIAGE ENDS IN DIVORCE OR ANNULMENT WITHIN TWO YEARS AFTER THAT, I MAY BE PRESUMED TO HAVE COMMITTED IMMIGRATION FRAUD AND BE SUBJECTED TO CRIMINAL INVESTIGATION AND PROSECUTION. I AM ALSO AWARE THAT I MAY BE SUBJECTED TO CRIMINAL INVESTIGATION AND PROSECUTION BASED ON ANY OTHER EVIDENCE OF IMMIGRATION FRAUD, INCLUDING BUT NOT LIMITED TO, FAILURE TO COHABITATE AS HUSBAND AND WIFE. ALSO, I ACKNOWLEDGE I MAY OR MAY NOT BE VOLUNTARILY OR INVOLUNTARILY EXTENDED IN KOREA TO FULFILL THE ADMINISTRATIVE REQUIREMENTS OF USFK REGULATION 600-240.

NAME	RANK	SSN
Sworn before me thisday of in the year		
at		, Korea.
BATTALION / SQUADRON OR EQUIVALENT LEVEL COMMANDER NAME	TITLE	

USFK Form 166, March 2007

Appendix F Certificate of Local Police Background Check Instructions

Certificate of Local Police Background Check. A certificate of local police background check is used by the Service member to make an informed decision due to potential complication involving background checks that may reveal any criminal offense(s) which may make the intended spouse ineligible for entry into or immigration to the U.S.

a. In Korea. Korean National Police Certificate (KNPC: Crime-Investigation History Report (범죄경력 수사경력 회보서) is available to a citizen of any nationality who is physically present in Korea by applying directly at any Korean National Police (KNP) station for his/her whole criminal and investigation history including expunged records. The KNP checks non-Koreans according to the requestor's Korean alien registration card or passport. Korean citizens must show a Korean identity card (Jumindeungnokjeung 주민등록증) or a Korean passport. There is no fee for KNPC processing and it takes less than 24 hours. KNPC is issued in Korean only and applicants must attach a complete English translation. KNPC is unavailable to applicants outside of Korea. If your KNPC contains any adverse information, you must obtain the full related court record and English translation with your KNPC.

b. Outside Korea. Find police certificate and other documentary requirements for various countries at <u>http://travel.state.gov/visa/fees/fees_3272.html</u>. If deemed to be available, at a minimum you must obtain a police certificate from your country of nationality and your country of current residence if your presence there occurred after age 16 and was six months or more. Police certificates are required from other countries for all stays of 12 months or more after age 16. If you have ever been arrested in any jurisdiction you must obtain the arrest, court or prison records and English translation with your police certificate.

Appendix G Medical Examination Instructions

Medical Examination. A medical examination is required for the Service member and intended spouse. The primary purpose of the medical examination is to detect any medical conditions that would prohibit the intended spouse from entry into the United States. Procedures for obtaining the required examinations are as follows:

a. The Service member will undergo a pre-marriage medical examination to include serology testing for the Human Immunodeficiency Virus (HIV), Syphilis, Hepatitis B (HBsAg and HBcAb), and a tuberculin skin test. Results will be recorded on <u>DD Form 2808</u>, Report of Medical Examination (this form is also available at a Military Medical Treatment Facility (MTF)).

(1) If a Service member's serological test and/or tuberculin skin test is positive, the servicing MTF will ensure the Service member is place on the appropriate treatment regimen to conclusively manage the communicable disease.

(2) Upon satisfactory completion of the necessary tests or successful completion of the appropriate medical treatment regimen to address the disease of the affected Service member, the servicing MTF's medical officer will provide an endorsement statement indicating the Service member has completed the required pre-marriage medical examination.

b. The Service member must ensure that the intended spouse arrange for and take a visa medical examination at a designated medical facility sanctioned by the U.S. Embassy of the country where the intended spouse resides. It is the responsibility of the Service member and the intended spouse to schedule the visa medical examination directly with one of the designated medical facilities, and to authorize the release of the medical examination results to the appropriate USFK Military Medical Treatment Facility. A list of U.S. Embassy websites by countries is located at the U.S. Department of States website: http://www.state.gov. For the current list of designated medical facilities sanctioned by the Embassy of the United States, Seoul, South Korea and the cost of their services, click on Immigration Visa Medical Examination. As of the publishing date of this regulation, the following medical facilities in the Republic of Korea are sanctioned:

(1) Saint Mary's Hospital; telephone 02-3779-1521; 62 Yeouido-Dong, Youngdeungpo-Ku, Seoul. 여의도 성모 병원: 전화 02-3779-1521, 서울시 영등포구 여의도동 62번지

(2) Yonsei Severance Hospital; telephone 02-2228-5808/9; 134 Shinchon-Dong, Seodaemun-Ku, Seoul. 신촌 연세 세브란스 병원: 전화 02-2228-5808/9, 서울시 서대문구 신촌동 134번지

(3) Haeundae Paik Hospital; telephone 051-797-0369;1435 Jwa-Dong Haeundae-Gu, Pusan. 부산 해운대 백병원: 전화 051-797-0369, 부산시 해운대구 좌동 1435번지

c. The Service member must ensure the intended spouse obtains at least one copy of the visa medical examination results, but it's recommended that two copies be obtained, each copy in its own separate, sealed envelope. One sealed envelope will be delivered to a U.S. Forces Medical Officer at a USFK Military Medical Treatment Facility. The second sealed envelope will be delivered in accordance with the visa application procedures established by the U.S. Embassy of the country where the intended spouse resides.

d. Although the visa medical examination is given to determine the potential for suitability and later entry into the United States, it does not guarantee final medical acceptance or approval of a visa or entry into the United States.

e. The Service member will report to a USFK Military Medical Treatment Facility with the Premarriage Certification Application, <u>Appendix A</u>; Immigration Counseling Certificate, <u>Appendix B</u>; Medical Examination Instructions, <u>Appendix G</u>; and one sealed envelope containing the copies of the visa medical examination results of the intended spouse for review by a U.S. Forces Medical Officer.

f. The U.S. Forces Medical Officer will:

(1) Review the Service member's premarital medical exam and the intended spouse's visa medical examination.

(2) Counsel the Service member on the risk of marrying someone who has medical conditions listed in the Immigration Counseling Certificate, <u>Appendix B</u>; and on the fact that some medical conditions may require an appropriate stage of treatment and management according to U.S. Public Health guidelines and immigration laws before entry may be granted into the United States by immigration officials. Click on <u>Medical Examinations of Aliens</u> for more information.

(3) Complete Section VI of USFK Form 163E.

(4) Ensure all cases of detected communicable diseases are referred to a medical treatment facility for medical care and treatment, and are followed by the appropriate military and/or civilian public health system for epidemiological contact investigation and management.

(5) Ensure patient privacy and confidentiality are safeguarded in accordance with all applicable laws and policies.

Appendix H USFK Form 165, Affidavit of Eligibility for Marriage (must be signed in the presence of a notary)

	AFFIDA	VIT OF ELICI	BILITY FOR M	IARRIAGE			
			tatement on next p				
BRIDEG	ROOM		BRIDE				
Name in full: (first-middle-last)	1	SSN	Name in full: (first-middle-last)	SSN		
Branch of Service:		Branch of Serv	Branch of Service:				
Father's name:			Father's name:	Father's name:			
Mother's full maiden name:			Mother's full n	aiden name:			
Permanent address: (on Family Ce	nsus Register (or in the U.S.)	Permanent add	tess: (on Family Ce	msus Register or in the U.S.)		
Present address (including APO/F)	PO number, if	any):	Present address	(including APO/F	PO number, if any):		
Det and Direct Stricts			December	-01-0			
Date and Place of birth:			Date and Place	or ourth:			
Occupation:			Occupation:				
Citizenship:	Citizenship pr	oven by:	Citizenship:		Citizenship proven by:		
	Num	ber of children wi	th spouse of this n	arriage:			
Number of children prior to this m	arriage:		Number of chil	dren prior to this m	uarriage:		
Previously married to:		Previously mar	ried to:				
If terminated by death, date:			If terminated b	y death, date:			
If terminated by divorce,			If terminated by	y divorce,			
Court:			Court:				
Case No.: Decree date:			Case No.: Decree date:				
Date divorce final:			Date divorce	final:			
With the United States Armed For	ces lic of Korea)) s.s.)					
We, the above named Bridegroom neither parents nor guardian is req married, that there is no hindrance, true, correct and complete.	uired, or if requ	tired, given; that	we are not blood k	in to the other in an	y degree; that we are not now		
Signature of Br	idegroom			Signature o	of Bride		
Subscribed and sworn to before m of Korea.	e, on this	date of		at	, Republ		
				Judge Adv	rocate		
				-	Daths, 10 U.S.C. § 936)		

Appendix I Commander's Guide to Pre-marriage Counseling

I-1. Why Counseling?

"If I were a commander in the continental United States (CONUS), I would not usually counsel a Service member who plans to marry. Why do I have to in the Republic of Korea?" A fair question. It is because we are outside the CONUS that counseling is necessary. Past experiences reveal potential marriage pitfalls that may be avoided with cross-cultural awareness, education, and counseling. In addition, there are security concerns in an overseas environment when Service members have contact with individuals from other countries, especially those countries identified on the Designated Country Personnel (DCP) list and countries of counterintelligence concerns. Thus, Service members intending to marry a non-U.S. citizen must consider security implications that will impact USFK and potentially their security clearances.

a. Each month, a small number of U.S. Service members marry non-U.S. citizens. Service members who enjoy a compatible marriage will be productive and lose less time from duty due to personal problems. Personal problems often carry over to the job. A commander can be faced with absenteeism, inefficiency, absence without leave, and behavioral problems when dysfunction occurs in the individual's marriage. Additionally, unhappy marriages can lead to domestic violence, suicidal acts, financial problems, and psychological/sociological dysfunction. Each of these potential issues can interfere with the Service member's obligations to the military. In CONUS, individuals contemplating marriage may have an extensive courtship and discuss marriage plans with family and friends. Acceptance or rejection of the intended spouse by relatives and peers may influence whether or not the marriage occurs. This situation changes when support systems are limited or restricted by distance.

b. The commander in the ROK assumes the roles of family and friends "back home." Counseling is not a red light saying "stop", but is a process for looking and listening before determining whether or not to proceed with the final decision to marry. The commander should foster an awareness of the pros and cons of intercultural marriages.

c. Pre-marriage counseling can be a sensitive subject for both the commander and the couple. The technique used by the commander is important. The following guidance should prove beneficial:

- (1) Arrange the office to provide an atmosphere of comfort, warmth, and informality.
- (2) Be friendly, personable, and relaxed. Get out from behind the desk.
- (3) Do something to put the couple at ease such as serving coffee or soft drinks.
- (4) Show a keen interest in the individuals. Each case is unique.
- (5) Guide the couple toward planning ahead and making objective decisions.

(6) Find out what each person considers important. Discuss attitudes, feelings, and future plans.

(7) Help the couple to objectively evaluate the situation and gain perspective.

(8) Ask about the steps they have already taken to reduce potential marital problems. Help them understand the dynamics of a long-term commitment.

(9) Expect to meet situations that you may not personally condone. However, never assume the responsibilities of decision-making, moralizing, preaching, or judging.

(10) Mention sources of printed material that might be helpful.

(11) Provide names of people or agencies available to assist them, and arrange for referrals.

(12) Watch for signs of disappointment or discontent that may indicate problems in the couple's relationship or indicate that the counseling session is embarrassing them.

(13) Review the discussion and encourage the couple to summarize the session.

(14) Take time to make notes of the session for follow-up.

(15) Withhold information and opinions about the session.

d. Effective counseling can be accomplished only with good communication. In some cases, couples may be reluctant to discuss differences unless a third party mentions them. The couple should be allowed to fully evaluate their relationship and their future by recognizing the complexity of the intercultural marriage.

e. The counseling should be divided into a minimum of two sessions separated by at least 48 hours. The commander should fully explain what constitutes visa fraud during the first session. During the second session, the military member will be required to sign a statement that he or she understands what constitutes visa fraud and the penalties. The intended spouse should attend the first session unless he or she is not, and will not be, present in the ROK prior to the marriage. Only the military member should attend the second session.

I-2. Understanding and Accepting Cultural Differences

a. Gaining understanding of each other's culture can do much to improve a relationship between a USFK Service member and his or her intended spouse. Ignorance or disregard of cultural differences can cause friction.

b. Couples about to marry should know that differences in culture will always be present in their relationship and that they should recognize the differences and show respect and understanding of each other's heritage.

c. Religion is a primary dynamic in any relationship because it determines how an individual identifies himself or herself, assigns values to human life, views the world, interprets history, defines good and bad behavior, etc. Religion becomes an even greater force in marriage once the issue of how to properly raise children occurs. Service members and their intended spouses are encouraged to seek pre-marriage counseling from their unit Chaplain to identify religious values, practices, and traditions that will either serve as a source of strength for the marriage or a source of conflict.

I-3. What Is Visa Fraud?

a. Love, security, and material gain may be on a list of reasons to marry. Unfortunately, some individuals marry for improper reasons. Marriage can offer a simple and convenient method of

securing certain privileges for non-U.S. citizens who marry U.S. Service members. For example, marriage can overcome U.S. immigration prohibitions. Entry into the U.S. is gained for the non-U.S. citizen spouse and the extended family who might find immigration difficult under normal circumstances. Although this type of marriage is infrequent, it still occurs.

b. Visa fraud is more than just a marriage of convenience for the purpose of evading U.S. immigration law; it can also involve prostitution, narcotics, contraband smuggling, bribery, and forgery. It is big business and contributes to organized criminal activities throughout the world. Visa fraud is not a victimless crime. Frequently, one of the partners in a marriage is defrauded of substantial amounts of money.

c. Most Service member and non-U.S. citizen spouse marriages are not based on visa fraud; however, reports received from the Department of Homeland Security, U.S. military, and civilian law enforcement agencies in the U.S., indicate that it is a known problem. The U.S. Embassy in Seoul has been able to identify several general types of visa fraud schemes now being perpetrated in the ROK. Although the roots of the schemes lie in the ROK, they do not stop here. The scheme continues in the U.S. where organized rings may arrange the fraudulent entry of large numbers of non-U.S. citizens into the U.S. These rings usually serve two distinct, although frequently overlapping functions; they supply prostitutes for clubs and massage parlors throughout the U.S. In addition, these prostitutes are reportedly used to smuggle narcotics and other contraband into the U.S. and arrange for entire families who would not otherwise be eligible to receive immigrant visas. These rings revolve around marriage agencies and visa assistors. Many have offices in the vicinity of U.S. military facilities in Korea; others are within walking distance of the U.S. Embassy in Seoul. The individuals running these agencies are extremely knowledgeable and sophisticated. Visa applicants are briefed prior to their interview and later debriefed. Personality profiles are developed on individual consular officers, and visa refusals are monitored for new trends. The agencies are quick to adapt to any new methods that are established to prevent fraud. A good example is the Embassy's traditional practice of requiring correspondence to indicate a continuing relationship between separated spouses. Marriage agencies now provide a full range of translation services for all correspondence in Korean and English. They may provide the same type of service if the citizen is not a Korean national but still is listed as a non-U.S. citizen. They are also capable of fabricating all types of correspondence. In cases where the applicant is illiterate, the agencies read and write all letters. In addition, these agencies are guite aware of the power of a congressional inquiry and are well versed in how to initiate one. In several dubious cases, the agents have advised American spouses to return to the ROK to convince the consular officer to issue the visa in question. These agencies have indiscriminately franchised their authority and official identity stamps to other organizations. The result has been a mixture of misleading stamps (for example, a Daegu stamp on documents prepared in Seoul) and a lack of accountability.

d. Several factors complicate the identification of specific cases of visa fraud and the exclusion of these individuals from the U.S. First, the most difficult cases are those where only one spouse is a party to the fraud and the other is a victim of the scheme. Those cases where the Service member is being victimized are particularly controversial as the Service member is usually unwilling or unable to accept the possibility of having been duped. Second, although in most cases involving the American military, the parties have lived together, this does not in itself indicate the intent to continue the marriage in the U.S. Many such marriages are business arrangements with financial benefits and special privileges accruing to both partners. Third, although prostitution is illegal in the ROK, it is unofficially condoned. There is no public licensing system for prostitutes and private records are not available. Not all prostitutes are employed by the clubs they frequently visit. The transient nature of the population around U.S. military bases also hinders investigations.

I-4. Dangers of Marrying DCP

Commanders can contact the Counterintelligence Staff Office (FKJ2-CIOC-CJ2X), APO AP 96204-3026, DSN 723-3076/5533, regarding any questions or updates concerning the list of Designated Country Personnel.

a. Service members should be advised that dating or marrying a DCP could result in his/her security clearance being temporarily suspended or worse, he/she could lose it permanently if the command determines there is a potential security risk.

b. Also, after the Service member marries a DCP, the spouse may not be granted access to base facilities. The Service member is required to submit a request for an exception to policy for full-time access for the spouse and dependents. Requesting the exception does not mean the exception will be granted.

I-5. Hidden Costs Associated With International Marriages

Service members have reported spending \$2,000 - \$5,000 (paperwork and processing fees alone may cost \$1,200 - \$1,500 per immigrant). Other cost considerations are non-command sponsorship, transportation to the United States, required documents for USFK Reg 600-240 procedures, the visa process, access to financial services and banking classes.

I-6. When the Honeymoon Is Over—What's Next?

Preparing for return to CONUS is highlighted by the realization that the non-U.S. citizen spouse faces possibly the two greatest adjustments a person can make -- adjusting to a new language and culture, as well as to a new marriage partner. Each couple should realize the challenges and start the adjustment process long before arrival in the CONUS.

Appendix J USCIS – Immigration Outreach Services in Yongsan

J-1. The U.S. Citizenship and Immigration Services offers immigration outreach services on USAG Yongsan to USFK personnel, family members and those with installation access. The USCIS provides easier and more convenient access to immigration service's – passports, reports of birth, notary's services – to our military families serving throughout Korea.

J-2. Effective September 5, 2012, U.S. citizenship and Immigration Services personnel will be available for immigration services every Wednesday from 0900 - 1200 (9:00 am - 12:00 pm) and 1300 - 1600 (1:00 pm - 4:00 pm). <u>USCIS</u> personnel are available on a walk-in basis.

J-3. If you are not able to visit USCIS personnel in Yongsan during the immigration outreach hours, please click <u>here</u> for information about Citizenship and Immigration Services. The U.S. Citizenship and Immigration Services is only able to accept payment by money order in U.S. dollars for the exact amount of the service while providing immigration services outside of the U.S. Embassy.

US Citizenship and Immigration Outreach Services

ACS Building 4106, 2d Floor Lobby next to Client Legal Services Available every Wednesday from 0900 - 1200 & 1300 - 1600 hrs By walk-in only

J-4. For American Citizen Services inquiries please e-mail them at <u>CIS-Seoul.Inquiries@dhs.gov</u>.

J-5. For general inquiries to the U.S. Citizenship and Immigration Services located in Seoul (Korean or English), please call the following numbers: (02) 397-4282 or (02) 397-4548 (within Korea). The Seoul office is open to the public Monday through Friday from 9:30 AM to 11:30 AM and from 1:00 PM to 3:00 PM. The office is closed on Korean and American holidays.

Appendix K International Marriage Quarterly Report

USFK International Marriage Quarterly Report						
Submitted by: (Unit/Point of Contact/DSN/Email Address) Reporting period: (Quarter & Fiscal Year)						
Service from Previous		# Applications Received (This QTR)	# Packets Completed	# Packets Returned (Incomplete)	# Pending at end of QTR	
	(a)	(b)	(c)	(d)	(a+b-c-d)	
Air Force	0	0	0	0	0	
CNFK	0	0	0	0	0	
Eighth Army (includes IMCOM-P)	0	0	0	0	0	
MARFORK	0	0	0	0	0	
SOCKOR	0	0	0	0	0	
USFK Total:	0	0	0	0	0	

K-1. Each Service will provide a breakout the following categories for each International Marriage Quarterly Report:

a. Number Carried Over from Previous Quarter. This number will be the number from the "# Pending at end of QTR" column from your last quarterly report.

b. # Applications Received this Quarter. Self Explanatory.

c. *#* **of Packets Completed.** Fully completed packets verified by each Service Commander (or designated representative).

d. *#* **of Packets Returned as insufficient.** Packets not meeting the required documentation as prescribed in this regulation.

e. *#* of Pending Packets at the end of the current Quarter. Add the packets still pending from last quarter; add the number of received packets this quarter; minus the number of packets completed; and add the number of packets returned as insufficient will equal the number of pending at the end of this quarter.

K-2. International Marriage reports must be submitted by the second working day after each quarter to the USFK J1, Policy and Program Branch, at <u>pacom.yongsan.usfk.mbx.j11-</u> <u>workflow@mail.mil</u>. If you need a blank copy of this report format, please send a request to the same address.

Appendix L International Marriage Procedures in Korea (step-by-step guidance)

	15 Step-By-Step Procedures for an International Marriage in Korea
Step 1	Service member informs chain of command of intentions to get married to a foreign national.
	First counseling with Battalion/Squadron or equilvalent level Commander (with potential spouse). Topics will
Step 2 *	include but not limited to cultural differences, visa fraud, penalties, etc).
	48 Hour Minimum Waiting Period
	Second counseling with Battalion/Squadron or equilvalent level Commander (without potential spouse).
Step 3	Service member will be informed about of the possibililty of involuntary extension and sign a USFK Form 166 Affidavit of Acknowledgement.
Step 4	Service member notifies Local Special Security Officer and unit Security Manager (All protential spouses obtain a background check).
Step 5	Pre-marriage counseling with a Chaplain (cultural concerns, not religious in nature).
Step 6	Pre-marriage counseling with a Legal Officer (Counseled on immigration/nationality act, spouse's status as determined under immigration laws).
Step 7	Medical examination (for both the Service member and potential spouse). Detects medical conditions that may preclude spouse from gaining US entry. SF Form 88 and requisite Korean medical form.
Step 8	Submit marriage packet to battalion/squadron or equivalent level Commander for review.
Step 9	Battalion / squadron or equivalent level Commander reviews pre-marital packet for completeness.
Step 10	Battalion / squadron or equivalent level Commander forwards pre-marital packet for final medical sufficiency review.
Step 11	Battalion / squadron or equivalent level Commander forwards pre-marital packet for final legal sufficiency review.
Step 12	Verification officer (O6 level commander) will verify on Section VIII - Verification Authority (Page 5 of USFK Form 163) ensuring that all signatures are complete from the Chaplain, Security Officer, Service Member, Medical Officer, O5 level Commander, and a Legal Officer.
Step 13	Service member, along with intended spouse, brings completed USFK Form 163 to the local Legal Assistance Officer for preparation and notarization of USFK form 165, at which time further guidance will be provided.
	After The Marriage
Step 14	Service member submits relative immigrant petition with the Department of Homeland Security.
Step 15	After petition is approved, Service member submits immigrant visa application with Department of State (takes 3-4 months). Visa is good for 6 months. Service members will begin visa process NLT 7 months prior to their DEROS.
* Does n the marri	ot apply if the intended non-US citizen spouse is not, and will not be, present in the Republic of Korea prior to age.

L-1. Purpose of this procedural step-by-step guidance

a. To ensure that there are valid marriages by US Service members to non-US citizens.

b. That these spouses are eligible for immigration upon returning to the U.S.

c. That Service members who wish to marry non-US citizens are fully informed of the procedures for a valid marriage.

L-2. Why this is important to you

a. International marriage may impact your security clearance.

b. Immigration issues make it harder to evacuate dependents in the event of noncombatant evacuation operations during times of hostilities.

c. Once you PCS from Korea, any dependents left behind lose ration control cards and other benefits associated with SOFA status and it creates a poor image of the US.

d. Failure to comply with this regulation subjects you to UCMJ action.

L-3. Practical Tips

a. Inform your Chain of Command before you do anything! Keep them informed every step of the way.

b. Start intended spouse's background check early! Need police checks from home country and Korea (if in Korea for more than 6 months). When in doubt, see your legal office!

Glossary

Section I. Abbreviations

DCP	Designated Country Personnel
HIV	Human Immunodeficiency Virus
IAW	In Accordance With
KNP	Korean National Police
KNPC	Korean National Police Certificate
MTF	Medical Treatment Facility
NAC	National Agency Check
ROK	Republic of Korea
SCI	Sensitive Compartmented Information
UCMJ	Uniform Code of Military Justice
U.S.	United States (of America)
USCIS	United States Citizenship and Immigration Services
USFK	United States Forces Korea

Section II. Terms

Alien/Non-U.S. Citizen. Any person not a citizen or a national of the U.S. as defined by the Immigration and Naturalization Service.

Applicant. Any active duty member of the Armed Forces applying for pre-marriage certification of compliance with this regulation.

Forms. All forms and instructions mentioned in this regulation can be found by clicking <u>here</u> and found at the Marriage Services section of the Eighth Army Client Legal Services.

Immigrant Visa. Immigrant visas (sometimes known as "green cards") are for persons who plan to live, work or study and remain permanently in the U.S. Immigrant visas (IV) are a responsibility of the U.S. Department of State, Consular Affairs (CA) Bureau. Most IVs require an underlying petition approved by the U.S. Department of Homeland Security (DHS), <u>U.S. Citizenship and</u> Immigration Services (CIS) before any IV processing starts. IV applicants are seen by appointment only at the U.S. Embassy in Seoul, Monday through Friday, 8:00 to 11:30. IV is closed to the public Wednesday afternoons and on both <u>U.S. and Korean holidays</u>.

Intended Spouse. A person, of the opposite sex, whom the Service member plans to marry.

Supporting Legal Office. The legal office that provides legal support to the verification authority.

Visa Categories. The following is a classification table for visas categories as outlined on the US Embassy web site (each has a link to the specific visa category for more information). For Fiancé/Fiancée visas, see K-1/K-2.

IMMIGRANT VISAS NOT NUMERICALLY LIMITED	
<u>IR-1/IR-2</u>	Spouse and Children of U.S. Citizen
<u>CR-1/CR-2</u>	Conditional Spouse and Children of U.S. Citizen whose been married for less than 2 years
<u>IR-3</u>	Orphan adopted by U.S. Citizen
<u>IR-4</u>	Orphan to be adopted by U.S. Citizen
<u>IR-5</u>	Parents of a U.S. Citizen
IW	Widows of U.S. Citizen
<u>K-1/K2</u>	Fiancé/Fiancée of U.S. Citizen and his/her derivative child (nonimmigrant)
<u>K-3/K4</u>	Spouse and children of U.S. Citizen who are subject to long period of wait for IR-1/CR-1 visas. (nonimmigrant)
<u>SB</u>	Returning Residents
IMMIGR/	ANT VISAS SUBJECT TO NUMERICAL LIMITATIONS (PREFERENCE CASES)
FAMILY-B	ASED IMMIGRANTS
<u>F1</u>	Unmarried Son/Daughter of U.S. Citizen
F21/F23	Spouse of Legal Permanent Resident and their derivative children
<u>F22</u>	Child of Legal Permanent Resident
<u>F24/F25</u>	Unmarried Son or Daughter of Legal Permanent Resident and their derivative Children
<u>F3</u>	Married Son or Daughter of U.S. Citizen
<u>F4</u>	Sibling of U.S. Citizen