

MARRIAGE OF AMERICAN CITIZENS IN THE PHILIPPINES

DISCLAIMER: THE INFORMATION IN THIS CIRCULAR RELATING TO THE LEGAL REQUIREMENTS FOR THE PHILIPPINES IS PROVIDED FOR GENERAL INFORMATION ONLY. QUESTIONS INVOLVING INTERPRETATION OF SPECIFIC PHILIPPINE LAWS SHOULD BE ADDRESSED TO PHILIPPINE LEGAL COUNSEL.

Any foreigner who wishes to marry in the Philippines is required by the Philippine Government to obtain from his/her Embassy a "Certificate of Legal Capacity of Contract Marriage" before filing an Affidavit in Lieu of a Certificate of Legal Capacity to Contract Marriage. A citizen of the United States may execute this affidavit at the American Embassy in Manila or the Consular Agency in Cebu. The American Embassy is located at 1201 Roxas Boulevard, Manila, telephone (63) (2) 521-7116.

The Embassy is open Monday thru Friday (except Philippine and American holidays) from 7:20 A.M. to 11:30 A.M. and from 1:00 P.M. to 3:00 P.M. Americans may also obtain this affidavit at the U.S. Consular Agency in Cebu, 3rd Floor, PCI Bank Bldg., Gorordo Avenue, Lahug, Cebu City - tel. No. 6332231-1261. The American must present his/her U.S. passport and proof of termination of any prior marriage(s) -- court certified copies of divorce decrees or registrar certified copies of death certificates, if applicable. The alien fiancé/fiancée must also be present. There is a fee of \$10.00 for the affidavit.

Philippine authorities will not accept any substitute document initiated in the United States. This affidavit is issued as a notarial act by the U.S. consular officer and as such, the consular officer is authorized by Title 22 Code of Federal Regulations, Section 92.9b, to refuse to perform the service if the document in connection with which the notarial act is requested will be used for a purpose patently unlawful, improper, or inimical to the best interest of the United States. Entering into a marriage contract with an alien strictly for the purpose of enabling entry to the United States for that individual is considered an unlawful act. Therefore, it is important that the applicants show proof that they have a marriageable relationship (such as correspondence, phone bills, photographs together, etc.) Section 4221 of Title 22 United States Code provides for punishment of individuals who commit perjury in an affidavit taken by a consular officer.

ADDITIONAL REQUIREMENT FOR U.S. MILITARY PERSONNEL:

U.S. military personnel visiting or stationed in the Philippines should see their military personnel office regarding DOD joint service regulation - Marriage in Oversea Commands (Army Regulation 211-18, and MCO 1752.1 for U.S. Marine Corps personnel). The affidavit will be refused if proper military authorization is not presented to the U.S. military Personnel.

THE MARRIAGE APPLICATION PROCESS:

Once an American citizen has obtained from the Embassy an "Affidavit in Lieu of a Certificate of Legal Capacity to Marry", he/she can file an application for a marriage license at the office of the Philippine civil registrar in the town or city where one of the parties is a resident. The U.S. citizen applicant will need to present:

- the affidavit;
- divorce decree(s) or death certificate(s) required to verify civil status and capacity to marry;
- U.S. passport;
- Documentation regarding parental consent or advice.

Marriage applicants age 18 to 21 must have written parental consent. Those age 22 to 24 must have received parental advice. Philippine law prohibits marriage for individuals below 18 years old. The marriage can be performed by a judge, a minister or other person authorized by the government of the Philippines. Marriage to a U.S. citizen confers neither citizenship nor an automatic eligibility for entry to the United States. If the U.S. citizen does not reside in the Philippines, the Petition for Immigrant Visa (I-130) must be filed through the Immigration and Naturalization Service office in the United States.

The visa process typically takes from five to nine months from the date of filing to the date of final adjudication. Any questions about filing an immigrant visa petition to bring the spouse to the United States should be directed to the nearest office of the Immigration and Naturalization Service, the State Department's Visa Office (202) 663-1225 or, while in the Philippines, to the American Embassy in Manila.

ALTERNATIVE TO MARRIAGE ABROAD:

Instead of the procedures presented above, it is possible to file a petition of an alien to enter the United States as the fiancé(e) of an American citizen. This enables the parties to marry in the United States. American fiancé(e)s should contact the Immigration and Naturalization Service office nearest their residence for further information.