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INS cracking down on sham marriages

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I stated at the start of this series that it is possible for a spouse to be denied of her green card even though she is married to an American citizen or legal resident. This happens when the marriage was contracted merely to achieve immigration benefits, and not to enter into a genuine marital relationship.

Not long ago, it took only a few weeks for a spouse beneficiary to be issued an immigrant visa. A visa number was always immediately available, and the Immigration Service, as a matter of policy, usually gave the visa application priority consideration. In the case of the spouse of a permanent resident, she was entitled to a second preference classification, and, even in countries with oversubscribed quotas like the Philippines, this classification was always a ready recipient of visa numbers. The spouse of an American citizen was even more privileged as she was not subject to the immigration quota.

Today, the weeks of waiting have become months of frustration. Not because spouses of citizens or legal residents have been relegated to lower preferential categories, nor because visa numbers are no longer available to them. They are still entitled to the same priority treatment as they have enjoyed in the past. The reason for the delay stems from the Immigration finding that more and more aliens get married solely to circumvent the law.

The Immigration Service has, therefore, adopted a policy of closely scrutinizing visa petitions based on marriage. And Immigration officer conducts a thorough investigation. He wants to find out, for example, if the marriage was entered only as a favor of a citizen to an alien friend. Or he wants to know if it was contracted in exchange for monetary considerations.

The investigation focuses on the details of the marital relationship. Generally, the inquiry is: Did the petitioner and his spouse intend to establish a life together at the time of their marriage?

The spouses are interviewed separately and asked identical questions, like: when they first met; where they have lived together since the marriage; how their apartment looks like; what one gave the other as a gift on her last birthday.

Documentary proofs are also required. Do they have a joint bank account? Are their real properties jointly owned? Do their income tax returns indicate that they are married? What about their insurance policies or their wills? Is the spouse the beneficiary of the other?

The questions cover a wide variety of subject matters ranging from business to sex. By the way, did they ever have sex? When? Where? The investigator looks for contradictions in their answers. Did one spouse say that they first met at a birthday party 12 months ago, while the other insisted that they both attended a free demonstration course of Dale Carnegie?

In one case, the Inquiry Officer described the testimony of a spouse as "replete with distortions, half truths, misleading responses, evasions and equivocations. His account of how he first met (her) on January 10, 1966 and again nine months later in October 1966, on the day they were married, is a clumsy unbelievable fabrication, completely devoid of plausibility, and not even possessing the attribute of clever imaginativeness."

Indeed, it doesn't pay anymore to contract a fraudulent marriage.