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## Top 10 List: How to Document Your Valid Marriage for Immigration Purposes

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Do you have a pending immigration case which will require you to prove the validity of your marital relationship to the U.S. Citizenship and Immigration Services or to a U.S. Consulate?

If you are applying for a K-1 fiancée visa, you should be gathering proof that you intend to enter into a real marriage. Similarly, if you are applying for an immigrant visa or adjustment of status on the basis of marriage, you should be gathering proof that you already have a real marriage.

This article describes 10 things you can do to better document your relationship.

**1. Open a Joint Bank Account:** Conmingled finances is one of the most significant factors that USCIS or a Consulate will use to determine whether a marriage is real. It may not be possible to open a joint bank in some countries. And in the U.S. it can be difficult to open a joint account if one spouse



## 如何为移民申请提供婚姻证明的首 10 个要素

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您的移民案件是否正在受理当中, 且要求您向美国移民局或美国领事馆证明婚姻关系的真实性?

如果您正在申请未婚夫/妻签证, 您必需收集足够的证据以证明您将建立一段真实的婚姻关系。同样地, 如果您基于婚姻关系而申请移民签证或调整身份, 您必需收集充分的证据以证明您拥有真实的已婚关系。

本文将向您叙述能更好证明你们关系的首 10 个要素。

**1. 开立一个联名银行账户:** 联名共有的财产是美国移民局或领事用于衡量婚姻关系是否真实的其中一项最重要的因素。某些国家可能不允许开立联名账户; 在美国, 若配偶其中一方身在国外或没有美国社安号 (SSN), 将难以在银行开立联名账户。虽然联邦法

lives abroad and/or lacks a U.S. social security number (SSN). While there is no federal law requiring an SSN to open a bank account, some banks do have in-house rules requiring an SSN for purposes of ID. You can check with your bank.

## 2. Apply for a Joint Credit Card or Debit Card

**Account:** To be useful evidence, you should both use the credit or debit card. And keep the statements.



**3. Phone Records:** For the periods that you live apart during your relationship, document your phone calls to each other. This is easy to do if you get a monthly bill with a detailed list of calls you've made. But don't use an international phone card that doesn't give you a detailed statement. In China, if you use China Mobile's GoTone service, you can print out the latest 5 months of phone records at a China Mobile service center. One cheap alternative is to use Skype ([www.skype.com](http://www.skype.com)) for international calls. In the Skype program, you can click on View > History to see the history of all ingoing and outgoing calls (phone number, date/time, the other party's name if on your call list, plus your account name). Use a screen printing tool to print the list. The history only goes back 6 months, so print it out a couple times a year.

律中没有要求开立银行账户需要提供美国社安号，但部份银行确实有内部规定要求开户人提供其美国社安号作为身份证明。对此您可向银行咨询。

## 2. 申请一张联名信用卡或借记卡：

可能的话请你们使用同一张信用卡或借记卡，并妥善保存相关的银行账单，这可作为一项有力的证据。

**3. 通话记录：**在你们分居两地的期间，保存好你们之间的通话记录。如果每个月的话费月结单上有一份详细的通话清单，这很容易办到。但请不要使用国际长途电话卡通话，因为电话卡无法提供详细的通话清单。在中国，如果您使用中国移动的全球通服务，您可以到中国移动通讯服务厅打印出最近 5 个月的通话记录。还有一个实惠的方法，就是使用 Skype 网络电话(详情请浏览 [www.skype.com](http://www.skype.com))进行国际通话。在 Skype 程序中，您可以点击“查看”→“历史”选项查阅所有呼入和呼出的历史通话记录（包括电话号码，日期/时间，对方的名字(若对方被添加在您的通话列表当中)，以及您的账户名称)。您可以使用截屏工具截取通话清单，并将其打印出来。请注意该清单仅能保存最近 6 个月的通话记录，因此建议您每年多打印几次通话清单。

**4. Amend your Lease:** Do you live together but only have one name on the lease? Ask the landlord to amend the lease to include both names. Also collect other evidence that you live together, such as rent receipts showing both your names, ID documents (e.g., driver's license) showing the common address, and correspondence to each of you at that address.



**5. Go High Tech:** Of course, you know that you should save all emails to and from your significant other, as well as emails to and from third parties that mention your relationship. But if you also like to instant messages (IMs) and text messages (SMS), then prove it. For example, in Skype, click on View > History to find your last IM or SMS conversation with your significant other, then in the message screen choose “show messages from beginning.” Again, the history only goes back 6 months, so print it out a couple times a year.



If either of you are on Facebook or other social media, take note: the government is watching. USCIS and consular officers both report that they may look at social media when investigating the validity of a relationship. You can use social media to document your relationship. Also, it may be wise to censor yourself by avoiding mention of any activity that may be illegal or reflect poorly on your moral character.

**4. 修改您的租赁合同:** 你们是否租房子同住但租约上只填写一个人的名字? 请让业主修改租约, 把你们的名字一同写在租约上。另外, 收集其他能证明你们同住的证明, 如: 能显示你们两人名字的租金收据, 或是其他能显示你们有共同居住地址的身份证明材料 (如驾照), 或是寄到同一个地址的信件等。

**5. 便用高科技:** 当然, 相信您定会保存好所有您与另一半的来往电邮, 以及一些您与第三方的来往电邮, 且这些电邮中有提及到你们的关系。但如果你们也喜欢通过实时对话或手机短信的方式进行通讯, 请您提供相关的证明。如: 在 **Skype** 程序中, 点击“查看” → “历史”选项查找出您最近与另一半的在线聊天记录或短信息记录, 然后在信息界面上点选“从开始显示信息”。同样地, 该选项仅能保存最近 6 个月的通讯记录, 建议您每年多打印几次通话清单。

如果您使用 Facebook 或者其他社交媒介, 请您注意: 政府是会监视的。当美国移民局和领事官均曾表示, 调查一段关系的真实性时, 社交媒介将有可能被他们纳入参考的范围。您可以使用社交媒介证明你们的关系。同时, 在使用这些媒介的过程中多检视自己, 避免提及任何可能违法的活动或对您的品德有负面影响的行为。

**6. Remittances:** Assuming you have no joint bank account, in cases where fiancées or spouses live apart, it's still not uncommon for one to give financial support to the other. Instead of giving cash, transfer the money in a form that is easily documented. Western Union, MoneyGram, and bank wire transfers are good because they show the receipts show the name of the sender and recipient. These methods are also convenient, but they may be expensive. You may be able to save money by both opening accounts with the same bank. Also, some banks may offer free wire transfer services to account holders. When you transfer money, it may be helpful to send a note regarding the purpose (e.g., "Money to buy a new motorcycle").



**6. 汇款:** 假设你们没有联名的银行账户, 但在与未婚夫/妻或配偶分居两地的期间, 通常其中一方会给另一方提供经济上的支持。比起现金支付, 汇款方式更容易证明。西联汇款, 速汇金服务以及银行汇款转账服务都是不错的选择, 因为这些支付方式都能向您提供汇款凭证, 且凭证上会显示汇款人及收款人的名字。以上汇款方式都很便利, 但它们的手续费可能会比较昂贵。你们可以在同一家银行开立账户, 这样可能划算些。有些银行对其账户持有人甚至是免收汇款手续费的。在您汇款的时候, 最好简单写上汇款目的 (如: 购买新摩托车的费用)。

**7. Take a Trip Together:** Proving that you've taken a vacation together is a great way to show you have a real relationship. Make sure to keep your air tickets, hotel reservation/registration/bill with both of your names, photos, and passport stamps (if you travel abroad).



**7. 一起去旅行:** 证明你们曾经一起旅游度假, 这是一个极好的方法表明你们的真实关系。请务必保存好你们的机票, 以及能显示你们名字的酒店预订单/登记单/账单, 还有照片和 (出国旅行) 护照签证及出入境盖章页等。

**8. Meet the In-Laws:** If each of you still haven't met your respective in-laws, make the effort. It's best to meet them in person—document the trip and take photos together. If you can't meet in person, then try communicating by phone (document the call), mail (e.g., try sending a birthday card or Christmas card), or via the web (IM or SMS).



**8. 与彼此的亲戚见面:** 请尽可能与彼此的亲戚们见面, 且最好是您本人亲自与他们见面 - 保存好旅程的凭证并与各方的亲戚一起合照。如果您不能亲自与他们见面, 请尝试通过电话 (保存好通话凭证)、寄信 (如: 给对方邮寄生日卡或圣诞卡等) 或网络 (在线聊天或互通短信) 等方式与对方的亲戚进行沟通和交流。

**9. Beef up Your Photo Album:** Organize your pictures chronologically. Include photos from the entire span of the relationship, from the time you met until now. Don't just show the two of you alone, but also friends and family. It's ideal to use a camera that automatically puts a date stamp in the photo. Add a caption to each photo describing the occasion, place, date, and persons in the photo. See a sample photo album here: [www.fwhonglaw.com/ivlinks.htm](http://www.fwhonglaw.com/ivlinks.htm).



**9. 充实您的相册:** 请按照时间顺序整理好您的相册, 包括那些你们从相识至今, 见证着你们整个交往历程的照片。请别只展示你们两个单独的合照, 应该还要有一些你们与朋友和家人的合照。最好使用能在照片上自动加印日期的相机。请您为每张照片添加说明, 并简要描述照片的场合, 地点, 日期及人物。相册样本请点击以下链接: [www.fwhonglaw.com/ivlinks.htm](http://www.fwhonglaw.com/ivlinks.htm).

**10. Tell Your Employer:** Your employer usually wants to know information about a relative or friend who will be your emergency contact and/or the beneficiary of any life insurance policy provided by the company. Give your fiancée or spouse's name and make a copy of the form.



**10. 告知您的雇主:** 您的雇主通常想知道您的紧急联系人(亲戚或朋友)或是/以及公司为您购买人寿保险的受益人的相关信息。请您向雇主提供您未婚妻/夫或配偶的姓名并复印相关表格。

## Closing Thoughts

Of course, some relationships are easier to document than others. On one extreme, it should be easy to document your case if you already married in an elaborate ceremony with hundreds of guests, have a child together, have jointly owned real estate and bank accounts, and file joint tax returns with the U.S. Internal Revenue Service. On the other extreme, it will be a challenge to document your case if you are fiances who have met only once or twice (or are a married couple living apart), you don't speak each others' languages fluently, you have different cultural backgrounds, you each have multiple prior marriages, and your ages are decades apart. Most cases are somewhere in the middle.

Here are some potential signs of a fraudulent marriage that the government looks for. The more of them that apply to you, the better you need to document your case:

- Large disparity of age, especially if the woman is older than the man.
- Inability of petitioner and beneficiary to speak each other's language.
- Vast difference in cultural and ethnic background.
- Family and/or friends unaware of the marriage.
- Marriage arranged by a third party.
- Marriage contracted immediately following the beneficiary's apprehension or receipt of notification to depart the United States.
- Discrepancies in statements on questions for which a

## 结语

当然，有一些关系能更容易被证明的，例如你们举行了一场精心策划的婚礼并邀请了过百位亲友参加；你们已经有自己的孩子；你们有联名的房地产及银行户口；以及向美国国内税收署申报联合所得税等等。但另一个极端就是申请难度较大的情况，例如您与您的未婚夫的见面次数只有 1-2 次（或是一对已婚夫妻但分居两地）；你们不能流利地运用对方的语言进行交谈；你们有不同的文化背景；你们都曾经经历过多段婚姻；以及你们的年龄相差数十年等。而大部分的申请是处于上述两种极端之间。

以下将列举一些通常被美国政府认为是欺诈性婚姻的“潜在讯号”。若下列情形在您身上发生越多，说明您需要为案子准备越多的证明：

- 较大的年龄差距，尤其是女性比男性更为年长。
- 申请人与受益人有语言障碍，不能运用对方语言进行沟通。
- 文化及种族背景差异太大。
- 家人及/或朋友都不知道你们的婚姻。
- 由第三方包办婚姻。
- 在受益人被拘捕或收到要求离开美国的通知后马上结的婚。
- 对于夫妻应有共识的问题上回答不一致。
- 在没有学业或工作因素影响的情况下，双方不共同生

husband and wife should have common knowledge.

- No cohabitation, other than educational or professional reasons, especially if the parties don't visit each other often.
- Beneficiary is a friend of the family.
- Petitioner has filed previous immigration petitions, including but not limited to petitions for prior foreign spouses.
- Marriage not recorded in personnel records for one or both spouses.

You should gather evidence covering the entire span of your relationship from when you first met until now. The legal requirement that you must meet is that at the time of the marriage you both had (or will have) an intent to establish a life together. To determine your intent at that moment, the government will review the evidence you gather from the periods before and after the wedding—for example, giving birth to a child a year after the wedding is indirect evidence that the bride and groom intended to have a real marriage.

The law puts the burden of proof on the applicant. This means your application won't be granted unless **you prove** to the government's satisfaction that you have a real marriage. This is different than a U.S. criminal case, where the defendant is presumed innocent unless the **government proves** otherwise.

Bring your original documentation to your adjustment interview or consular appointment. The government should accept copies but reserves the right to review the originals. In addition, all foreign language documents need a certified English translation.

For an adjustment of status interview in the U.S., the citizen spouse

活，尤其是不会经常探望对方。

- 受益人是家族的朋友。
- 申请人曾经递交过移民申请，包括但不限于为前任外国人配偶提交的申请。
- 婚姻没有被记录在一方或双方的个人档案中。

您需要收集你们自初相识以来的所有证据。法律要求你们在结婚的时候必需拥有共同生活的意愿。在衡量你们的意愿时，美国政府将会审阅您提供的所有婚前与婚后的证明，如：结婚一年后生了孩子便是新娘与新郎想开展一段真实婚姻的间接证明。

法律要求签证申请人承担举证责任。这表示，除非您能向政府**证明**您有一段真实的婚姻，否则您的申请不会被批准。这与美国刑事案件不同，刑事案件规定，除非**政府证明**被告有罪，否则被告应根据无罪推定原则被假设为清白。

在前往调整身份面试或与领事面谈时，请带备您的资料原件。政府机关将会收取材料的复印件，但不排除保留原件进行核对。此外，所有外语文件均需提供一份经证实的英文翻译本。

在美国，调整身份的面试均要求美国公民配偶参加。而在国

is required to attend. For consular appointments abroad, the citizen is generally not required to attend and, at posts like Guangzhou, as a rule is not allowed to attend.

This “top 10 list” is merely guidance. You are not required by law to do any of these things. In fact, so long as you meet the legal requirement that at the time of the marriage you both had (or will have) an intent to establish a life together, then the law doesn’t require that you live together, have a joint bank account, have sex together, be monogamous, etc. Those are matters of personal choice. Moreover, your relationship need not be perfect. Even if you’re currently split up and having relationship troubles, your relationship can still meet the legal standard (so long as there’s been no divorce or legal separation).

*This article provides an overview of the subject but should not be relied upon as legal advice. For legal advice, consult with your immigration lawyer about how the law applies to the particular facts of your case.*

外的领馆面谈中，则一般不要求美国公民配偶参加。在广州领事馆，公民配偶是不允许参加面谈的。

本文中的“首 10 要素”仅供参考。法律上并没有上述的规定。事实上，只要你们的婚姻符合法律要求，即在结婚时拥有建立共同生活的意愿，则法律并不要求你们必需居住在一起，拥有联名的银行户口，有夫妻生活，以及一生只能有一次婚姻等，因为这些都属于个人的选择。而且，你们的关系不一定是完美的，就算你们目前分开了且感情上出现问题，你们的关系仍然可以符合法律要求（离婚或合法分居的情形除外）。

本文仅根据主题提出整体的意见，并能不作为法律建议。如需法律建议，请根据您的实际情况向移民律师咨询。