

Advice - Getting Married in China – US Citizens.

Basic information about getting married in China

American citizens contemplating to marry a Chinese citizen in China should review the following general information on Chinese Government procedures. Marriages in China are registered according to the laws of China. Contrary to popular notion, American diplomatic and consular officers do not have the authority to perform marriages and are not required to witness the marriages of American citizens. One reason for this is that under the U.S. Constitution the administration of civil affairs is one of the powers reserved to the various states. Thus, as Federal Government employees, American consular officers are prohibited from usurping this state role.

The current Marriage Law of the People's Republic of China was passed in September 1980 and went into force on January 1, 1981. Under this law, marriage registration procedures are administered by the marriage registration office of the local civil affairs bureau, Minzhengju, in each jurisdiction. Persons planning to marry should visit one of these offices for specific information. There may be a fee for this visit. The appropriate civil affairs office will be the one in the jurisdiction in which the Chinese citizen is registered (the location of hukou). In Beijing, inquires should be directed to the following:

Marriage Registration Office
Bureau of Civil Affairs of Beijing Municipality
1st FL., No. 8 Huayanli
Chaoyang District Beijing 100029
Telephone: 6202-8454
Working hours: 09:00-11:30; 13:30-17:00 Monday-Friday

As of October 1, 2003, the Chinese marriage registration authorities stopped registering the marriages that both parties are temporary foreign visitors. The new regulation states that at least one party should be a long-term resident in China.

Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do. American citizens wishing to marry Chinese students should bear this in mind. It also should be noted that at least one school in Beijing has required Chinese students to reimburse the school for hitherto uncharged tuition and other expenses upon withdrawal from school to marry foreigners. Schools in different areas have their own reimbursement

standards. A school will not release documents the student needs to register the marriage until the fees are paid. Some work units have also demanded compensation for "lost services."

Upon receipt of an application to register a marriage, the civil affairs office will ascertain that both parties are of minimum marriageability age (generally 22 for men and 20 for women, although a higher minimum may be established by the local civil affairs office) and that both parties are single and otherwise free to marry. Persons who have been married previously will be asked to submit original or certified copies of final divorce or annulment decrees, or of death certificates if widowed. The American partner to a marriage in China will generally be asked to submit the following:

- current passport
- Chinese residence permit
- health certificate from the local hospital designated by the civil affairs office
- "certification of marriageability" which can be prepared at the Embassy on the basis of an affidavit in which the American citizen swears or affirms before a Consul that he or she is currently legally eligible to marry (persons who have previously been married need to show a certified divorce decree, annulment decree, or death certificate both to the Embassy when preparing this certificate and to local authorities. Since proof of termination of all previous marriages will again be required when you file an immigrant visa petition on your spouse's behalf, we recommend that you do not surrender the certified copies of death certificates or divorce or annulment decrees to the civil affairs office. You should take a good photocopy with you when you go to register the marriage. Generally, if you present the certified copy with the copy for their review, the Chinese authorities will accept the copy. This is also true for your spouse if he or she has previously been married.)
- three photos of the marrying couple, taken together
- registration fee

if both parties are foreigners, one side should present a Chinese residence permit a "certification of marriageability" which can be prepared at the Embassy on the basis of an affidavit in which the American citizen swears or affirms before a Consul that he or she is currently legally eligible to marry (persons who have previously been married need to show a certified divorce decree, annulment decree, or death certificate both to the Embassy when preparing this certificate and to local authorities. Since proof of

termination of all previous marriages will again be required when you file an immigrant visa petition on your spouse's behalf, we recommend that you do not surrender the certified copies of death certificates or divorce or annulment decrees to the civil affairs office. You should take a good photocopy with you when you go to register the marriage. Generally, if you present the certified copy with the copy for their review, the Chinese authorities will accept the copy. This is also true for your spouse if he or she has previously been married.) Please be aware that both the American citizen and his/her Chinese fiancée are required to appear in person at the Embassy for the above said marriageability certificate.

- three photos of the marrying couple, taken together a registration fee

The Chinese partner to the marriage may be asked to submit the following

- a certificate of marriageability (obtainable from the office which has physical control of his or her file)
- household registration book
- health certificate (obtainable from a regional level local hospital)
- a certificate of birth
- Chinese ID (Shen fen zheng)
- a letter from the parents of the local partner giving permission for their child to marry a foreigner (this letter should include the index fingerprint of both parents below their signature and date).

All English-language documents must be translated into Chinese. Translation of documents usually takes about a month, but can be completed within 10 days at double the original cost. Translations should be obtained from and certified by one of the Municipal Public Notary offices.

In Beijing, translations and notarizations can be obtained at the following places:

Beijing Notary Public Office
206 Jixiangli Chaowaidajie
Chaoyang District, Beijing
Telephone: 6553-8989; 6553-8988
Working hours: 08:30-11:30; 13:30-16:30

China Translation and Publication Corp.
6th Floor Wuhua Complex
A4 Chegongzhuang Dajie, Beijing
Telephone: 68002558

Normally, marriage certificate can be issued by the Marriage Registration Office of the Bureau of Civil Affairs of Beijing Municipality on the same day.

APPLYING FOR AN IMMIGRANT VISA FOR YOUR SPOUSE

After the marriage, the U.S. citizen spouse may file an immigrant visa petition on behalf of his or her non-U.S. citizen spouse. U.S. citizens who reside in China may file immigrant visa petitions on behalf of immediate relatives at the Department of Homeland Security (DHS) Beijing Office, which can be contacted at 0086-10-85296740(phone) and 0086-10-85296779(fax).

Those U.S. citizen spouses who do not reside in China should file the petition in the United States at the U.S. Immigration and Naturalization Service office which has jurisdiction over his or her normal place of residence. The approved visa petition will be forwarded to the U.S. Consulate General in Guangzhou for processing. The Consulate General will then send instructions to your spouse explaining how to proceed. These instructions will include forms to fill out and return. One of those forms, the biographic data sheet should be completed and returned promptly because the visa petition cannot be processed until that form has been received. The instruction packet from the Consulate General will also include a list of documents which must be obtained.

Your spouse will need to provide the following:

- notarial certificate of birth
- certificate of (no) criminal record for every place he or she has lived for six months or longer after age 16
- notarial certificate of marriage

(The above three documents can be obtained at the local Chinese notarial office)

- current passport
- evidence that the applicant will not become a public charge (the petitioner or some other financial sponsor may complete an affidavit of support, Form I-134, guaranteeing that he or she will support the applicant; the affidavit must be substantiated by documentary proof of income and assets).

Additional documents may be required of your spouse.

Please read carefully the instructions from the Consulate General in Guangzhou. When your spouse has obtained all the required documents, he or she should use the form enclosed in the packet to notify the Consulate General. The Consulate General will then schedule an appointment for a visa interview and send the application forms which will need to be completed prior to the interview, as well as instructions regarding the physical exam. Physical exams have to be done at the Tongren Hospital in

Beijing or in Guangzhou at a hospital specified in the instructions.

The applicant must then go in person to Guangzhou for an interview with a consular officer. If all documents are in order and no grounds for refusal have been found, the visa will be issued the same day.

After your spouse has obtained an immigrant visa, he or she must travel to the United States within four months. At the time of admission into the United States, your spouse will be processed for an alien registration card (a "green card"). The card will be mailed to the address given to the INS officer at the port of entry; however, your spouse will be given a temporary permit in his or her passport at the time of admission.

If at any time your spouse wishes to remain outside the United States for an extended period, he or she should apply to the INS for a reentry permit before departing the United States. This document can only be obtained in the United States.

A permanent resident who remains outside the United States for more than 364 consecutive days will lose the right to permanent residence unless he or she has first obtained a reentry permit from the INS. You should consult your local INS office for additional guidance before the U.S.-citizen spouse departs the United States for a prolonged stay overseas.

**CHECK WITH YOUR EMBASSY OR
CONSULATE FOR LATEST
INFORMATION.**