



Bona Fide Marriage Exemption

Non-citizens who marry U.S. citizens or lawful permanent residents while in removal proceedings must show by clear and convincing evidence that the marriage was entered into in good faith. INA § 245(e)(3). What is commonly called, “the bona fide marriage exemption” must be requested in writing and submitted with Form I-130. 8 C.F.R. § 204.2(a)(1)(iii)(A). The request must state the reason for seeking the exemption and must be supported by documentary evidence establishing eligibility for the exemption. *Id.*

You must be prepared to deal with the bona fide marriage exemption very early in your removal case. It is extremely important that you, the couple, document your relationship thoroughly. Evidence of the relationship will be critical to the removal proceedings and to obtaining approval of the visa petition.

USCIS checks social media, publicly accessible websites, and other databases during their review of the application. Please make sure that you are not and have not posted information that contradicts the documents and testimony we will submit to USCIS and the Immigration Judge. Often people say things about themselves on the Internet yet state contradictory things to the USCIS in interviews. Please also avoid discussing any illegal activity, including state approved marijuana use, on social media.

You should keep all documents that show both of your names, such as mail, bills, and other records. Documents such as the following should be gathered to assist in proving good faith marriage:

- Birth Certificate(s) of Children together
- Letters addressed to you at shared address
- Letters addressed to spouse at shared address
- Letters addressed to couple at shared address
- Driver’s licenses with the same address
- Wedding photos
- Pictures of the couple in a variety of settings and times (especially with family)
- Correspondence between the couple
- Records for children, listing parents
- Joint Bank Accounts
- Joint Tax Returns
- Joint Credit Card Accounts
- Joint Property
- Joint Rental Agreements/payments
- Joint Life/Health Insurance Plan
- Joint Utility Bill(s)
- Joint phone bills for land lines or cellular phones

- Joint Car Owned
- Joint Card for Shopping/stores/gym
- Health Records for your children that list both parents
Letters from Family, Friends, Neighbors