



Practice Alert: Certain Indian Wedding Ceremonies May Lead to Allegations of Visa Fraud

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By AILA's Department of State Liaison Committee [1](#)

Over the past several months, the [DOS Liaison Committee](#) has received reports that some non-immigrant visa applications for dependent spouses of Indian nationals were refused under INA §212(a)(6)(C) based on allegations of marriage fraud. In addition, in some of these instances, either the principal applicant's visa application was refused, or their visa was revoked, under INA §212(a)(6)(E) for alien smuggling. The DOS Liaison committee raised this issue with the Department of State Visa Office (DOS) and has been informed that these problems stem from a certain type of marriage in India, celebrated by the Arya Samaj.

Arya Samaj is a reform Hindu movement that does not require the same rituals as traditional religious weddings, which have long been the legal standard for marriages in India. In fact, Arya Samaj weddings can be done en masse with the couple signing their own marriage certificate to certify that they have met the requirements. While these marriages do enjoy legal status in some Indian States, they are scrutinized by DOS. This is largely due to the fact that given the nature of the requirements, these weddings may serve as a way to enter into a marriage quickly, without meeting the traditional requirements, so that the couple may derive U.S. immigration benefits.

The committee raised examples of visa refusals based on Arya Samaj weddings with DOS. Several remain under review. Although AILA understands that several applications involving these weddings have been approved, members should remain alert to the possible allegations that may stem from these weddings.

DOS made clear, in its discussions with the committee, that consular officers have seen cases where the evidence shows that the couple married for the sole purpose of allowing the spouse to derive an immigration benefit. DOS policy remains that a marriage will be recognized by DOS as long as it was legal where it was celebrated. However, DOS recognizing a marriage does not guarantee that it may form the basis for a dependent visa if there are indications that it may have been fraudulent.

For this reason, the committee recommends that members prepare any clients who have been married in an Arya Samaj wedding to demonstrate that their wedding was a celebration of a bona fide marriage. Clients should prepare evidence of the validity of their relationship and be prepared to explain the reason(s) why a traditional wedding was not undertaken.

The DOS Liaison Committee is continuing to monitor this issue and will provide updates as they become available. Please feel free to [raise any additional reports to the committee](#) via the "Report a Trend" survey on the committee's aila.org page.

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