



# Time to Lead

The Federal Government's Role  
in Ending Child Marriage in  
the United States

**The Tahirih Justice Center (Tahirih) is a national, nonprofit organization that serves immigrant survivors of gender-based violence.**

Through our specialized Forced Marriage Initiative (FMI), Tahirih is leading efforts at the federal and state levels in the United States to address forced and child marriage as a domestic problem that affects both U.S. citizen and immigrant women and girls.

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## BACKGROUND

Since launching the FMI in 2011, through direct services and national technical assistance, Tahirih has responded to more than 600 requests for emergency assistance impacting over 1,300 individuals. These requests for help came from 44 states and Washington, D.C. as well as 31 countries.

Tahirih also facilitates the National Forced Marriage Working Group, which is comprised of diverse organizational and individual members - including survivor advocates - from across the country. We are committed to doing this work through the lens of anti-oppression and anti-racism and we acknowledge that we cannot end gender-based violence without also ending racism and challenging all supremacist ideologies (classism, casteism, tribalism, colorism, religious superiority, xenophobia etc.) and dismantling them wherever they arise in our work.

In August 2017, Tahirih released the first comprehensive analysis of marriage-age provisions in all 50 states and Washington, D.C. that allow child marriage to happen legally across the country. The report, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*<sup>i</sup>, provided state lawmakers and advocates with the information they need to pass laws that more effectively protect children. While significant progress has been made since the report's release,<sup>ii</sup> with thirty states enacting legislation to end or limit child marriage in recent years, some of the states with the laxest laws have yet to take any action, many newly enacted laws do not go far enough, and the federal government has yet to pass legislation to address child marriage in America.

Currently, the federal government sends an inconsistent and unclear message in agency guidelines, funding priorities, statutes, and statements regarding where it stands on child marriage. Despite the United States' vocal support of human rights around the globe, our current state laws and federal immigration laws both sanction and facilitate child marriages happening in our own backyard. This must change.

## DEFINING CHILD MARRIAGE

Child marriage is commonly defined as a marriage in which one or both parties has not attained the age of 18. In the United States, most state laws recognize 18 as the age at which individuals attain majority or legal adulthood. However, three states use different ages of majority: Alabama (19), Mississippi (21), and Nebraska (19). For the purposes of this report, we refer to age 18 and "age of majority" interchangeably as the cutoff for child marriage, since 18 is the most common age of majority across the United States.

While not every marriage involving an individual younger than 18 may be considered a forced marriage, a growing body of research shows that the majority of child marriages feature several concerning factors<sup>iii</sup> and that delaying marriage past the age of 18 sets individuals up to be better off as people, partners, and parents.

In many situations where children enter marriages, it is the parents of the girl<sup>iv</sup> who insist that she marry. Sometimes parents force girls to marry to avoid the perceived shame or social stigma of sexual activity prior to marriage, or in a misguided response to an unplanned

pregnancy. Sometimes girls are forced to marry their abusers, rapists, or traffickers. In some cases, parents have groomed their daughter since her early childhood to marry as a teenager as part of their belief system. And in still other cases, children are forced to marry for the benefit of the parents and extended family, whether financially, for increased social status or immigration benefits.

Depending on the state, a child may not be able to leave home to avoid marriage and protect herself without being taken into custody and returned to perpetrators by police. She also may not be able to stay in a domestic violence shelter at all or youth shelter for longer than a few days. Helpers who take her in could risk being charged with contributing to the delinquency of a minor or harboring a runaway. And if she tries to get a place of her own to escape abuse, she may find no one willing to rent to her because in many circumstances minors cannot be held to contracts they enter<sup>v</sup> — the tragic irony being that marriage contracts seem to be the exception.

Furthermore, when a child enters into a marriage, she often does not stand on equal legal footing to an older spouse. In many states, a child on their own may not be entitled to seek a protective order against parents or a dating partner,<sup>vi</sup> — typically the people pressuring or forcing them into marriage. In some states minors are unable to file for divorce and must instead rely on an adult to file on their behalf.<sup>vii</sup> Survivors have also shared that, as married minors, doctors and other health professionals often looked to their adult spouse for consent before they could receive health services. The complex legal regimes across and within states present often-insurmountable barriers to seeking help and leave many minors confused about what they can and cannot do on their own. For these reasons, setting the minimum age of marriage at 18 is the clearest solution for ending child marriage in the United States and ensures both parties to a marriage have equal rights and access to services and systems that can help prevent and respond to abuse, exploitation and violence.

The proposition is simple and straightforward: ending child marriage protects the vulnerable and sets everyone up for better outcomes in the short and long term.

## CHILD MARRIAGE: A MODERN-DAY U.S. PROBLEM

A 2017 investigation by Frontline revealed for the first time the extent of the United States' child marriage problem. Investigators found that between 2000 and 2015, well over 200,000 children were married in the U.S.<sup>viii</sup> The advocacy group Unchained at Last updated and expanded on that data in a 2021 report, finding that close to 300,000 minors were married between 2000 and 2018.<sup>ix</sup> However, if we combine that with the data uncovered in North Carolina in 2020 by the International Center for Research on Women<sup>x</sup> the number of children married in the United States between 2000 and 2018 was likely more than 300,000.

It is not just U.S. citizens who are at risk of child marriage in the United States. In January 2019, the U.S. Senate Homeland Security and Governmental Affairs Committee (HSGAC) published *How the U.S. Immigration System Encourages Child Marriages*, which revealed the approval by USCIS of more than 8,500 marriage-based visa petitions involving at least one minor. The majority of these petitions (more than 5,500) involved adult U.S. citizens who sought to bring minors to the United States from abroad as fiancées or spouses.<sup>xi</sup> An equally alarming finding was that thousands of U.S. minors have apparently successfully petitioned to bring an adult foreign spouse to the United States.

## LAX U.S. LAWS PUT GIRLS ACROSS THE GLOBE AT RISK

### State Laws

Before 2016, not a single state prohibited child marriage, and 25 states did not have a minimum marriage age set by any statute. Despite what most Americans likely assumed<sup>xii</sup>, many states allowed children as young as 16 to be married as long as a parent or judge consented to the marriage. At that time, nine states also expressly permitted pregnancy — which should be a red flag not a green light for a marriage license — to be an exception that allowed a child to be married at an even younger age, even if the ages of and age difference between the parties were evidence of statutory rape.<sup>xiii</sup>

In 2016, the Tahirih Justice Center drafted and spearheaded the bipartisan passage of a new law that made Virginia the first state in the country to limit marriage to legal adults (age 18 or older, with a limited exception for court-emancipated minors ages 16 or 17 years old). In the following two years, after significant labor and advocacy by survivors and supporters, Texas<sup>xiv</sup> and New York<sup>xv</sup> passed similar laws and Delaware<sup>xvi</sup> and New Jersey<sup>xvii</sup> became the first states to end child marriage altogether. These legislative victories sparked a movement to end child marriage in the United States that has grown each year, with survivors, advocates, and legislators across the country taking up the issue and pushing for change. In fact, as of the close of the 2022 legislative session, seven states (Delaware, New Jersey, Pennsylvania, Minnesota, Rhode Island, New York<sup>xviii</sup>, and Massachusetts) have eliminated child marriage altogether<sup>xix</sup> and six other states (Virginia, Texas, Kentucky, Ohio, Georgia, and Indiana) limit marriage to legal adults by providing exceptions only for emancipated minors. Virginia, Texas, and Indiana set age floors of 18 with an exception for court emancipated 16- and 17-year-olds and Kentucky, Ohio, and Georgia set age floors of 18 with a narrow exception for court emancipated 17- year-olds. These legislative reforms represent strong steps in the right direction that set the stage for future legislative change to make the marriage age 18 without exceptions (as New York<sup>xx</sup> did).

All that being true, to this day there remain many state legislatures that refuse to act on this issue, and some states still do not even track the number of children married each year. Until all states take action, this patchwork of laws puts all children — particularly girls — at risk, given the ease with which they can be taken out of their home state to another state that has lax or even no laws prohibiting child marriage. These states have shown us they are not likely to take action on their own and as such it is time for the federal government to incentivize action.

### Federal Immigration Law

Child marriage in the United States can also be facilitated through the immigration system. With rare exceptions, U.S. immigration law recognizes marriages as valid if they were legal where they took place and where the parties will reside.

Currently, there is no minimum age set by law for a foreign beneficiary spouse or fiancée. For example, the HSGAC report data show 2 cases in which USCIS approved the petitions of 13-year-olds; 38 approved petitions involving 14-year-olds; 269 involving 15-year-olds; 1,768 involving 16-year-olds; and 6,609 petitions approved by USCIS involved 17-year-olds<sup>xxi</sup>.

Girls were the younger party in 95% of the petitions approved by USCIS, which closely

mirrors the disproportionate gendered impact of child marriage that we see in the state-based data, in which approximately 86% of minors married in the United States were girls.<sup>xxii</sup> Many of the men filing these petitions were in their 40s and 50s, with one case involving a 68-year-old U.S. citizen who successfully petitioned for a 16-year-old foreign spouse. In another case, a 71-year-old U.S. citizen petitioned for a 17-year-old foreign spouse. Such cases are child abuse and pedophilia, plain and simple. Citizens are marrying vulnerable underage girls abroad whom they can easily isolate and control. Current state laws that permit children under age 18 to be married enable such exploitation.

There is also no statutorily set minimum age for a U.S. citizen or Legal Permanent Resident<sup>xxiii</sup> to sponsor a marriage-based visa petition; however, it is generally expected that in most cases the U.S. sponsor should be 18 due to the obligation of filing an affidavit of support,<sup>xxiv</sup> a legal contract that requires the signatory to be 18. That said, the HSGAC report revealed close to 3,000 cases of U.S. minor petitioners whose applications were approved by USCIS, as was the case for both Sasha Taylor<sup>xxv</sup> and Naila Amin.<sup>xxvi</sup>

## THE WELL-KNOWN HARM OF CHILD MARRIAGE

The harms of child marriage in America — whether or not it is forced — are well documented.<sup>xxvii</sup> Greater vulnerability to domestic and sexual violence, increased physical and mental health challenges over the life span, greater likelihood of dropping out of high school and college, and an increased risk of future poverty are just a few of the serious long-term effects for individuals who marry as children.

A minor's ability to access the support services and safety net established for adult survivors of domestic violence and sexual assault in this country can prove challenging, if not impossible, for U.S.-born child brides. Entering the United States as a foreign-born child bride comes with additional risks and challenges. Girls who enter the country as brides have the same vulnerabilities that other immigrant survivors of gender-based violence experience in the United States — language barriers, isolation, fear of authorities, discrimination and xenophobia, trauma, lack of knowledge of rights and resources, and economic challenges — compounded by the fact that they are minors with restricted rights locked in a legal contract with an adult who also holds sway over their immigration status.

Some may assume that entering the U.S. would offer better opportunities for girls from other countries, regardless of the means. On the contrary, child marriage is a trap that, much of the time, leads to devastating lifelong consequences. We know this is true for American children who marry, and it is no less true for children born and raised elsewhere. Our nation must reckon with our habit of assessing issues through a Western colonialist lens, and this issue challenges us all to think more critically. We should not assume that a girl living outside the United States is, by default, better off in this country, even if that means being separated and cut off from everyone and everything she knows and married to a man who may be many years her senior. In the words of one survivor of child marriage brought to the United States when she was just 15 to marry a 22-year-old man: "Coming to America is a dream come true for many. It wasn't to me."

## AN INCOHERENT APPROACH TO ENDING CHILD MARRIAGE

Currently, the federal government sends an inconsistent and unclear message in agency

guidelines, funding priorities, statutes, and statements regarding where it stands on child marriage. While U.S. state law and marriage-based immigration policies appear to sanction and facilitate child marriage, U.S. foreign policy posture takes a much different stance. In fact, much of U.S. foreign policy is imbued with the understanding that child marriage is harmful wherever it occurs and should be prevented. Here are a few examples:

- The U.S. Department of State Foreign Affairs Manual states that the U.S. government considers “forced marriage to be a violation of basic human rights. It also considers the forced marriage of a minor child to be a form of child abuse, since the child will presumably be subjected to non-consensual sex.”<sup>xxviii</sup>
- The U.S. Agency for International Development observes that “CEFM (Child, Early and Forced Marriage) impedes girls’ education and increases early pregnancy and the risk of maternal mortality, obstetric complications, gender-based violence, and HIV/AIDS. Children of young mothers have higher rates of infant mortality and malnutrition compared to children of mothers older than 18. CEFM is also associated with reductions in economic productivity for individuals and nations at large. CEFM is a human rights abuse and a practice that undermines efforts to promote sustainable growth and development.”<sup>xxix</sup>
- The Violence Against Women Reauthorization Act of 2013 (Public Law 113-4)<sup>xxx</sup>, requires the U.S. Secretary of State to establish and implement a multiyear strategy with the following goals:
  - “Prevent child marriages.”; and
  - to “Promote the empowerment of girls at risk of child marriage in developing countries.”
- The 2021 U.S. National Strategy on Gender Equity and Equality<sup>xxxi</sup> names child marriage as a form of gender-based violence that undermines human rights globally and domestically.
  - “Millions of women and girls remain at risk of...child, early and forced marriage, forms of gender-based violence that undermine security and human rights, including here in the United States” (p. 26).
  - “In the United States, we will collaborate with state officials to prevent and address harmful practices that undermine human rights, including laws that permit child, early and forced marriage...and ensure access to social services for those harmed” (p. 27).

While state laws govern age of marriage in the United States, federal laws have a role to play in limiting child marriage within the immigration system, opening up access to and funding for services that could help victims and prevent child marriages from happening in the first place, and incentivizing state action.

In fact, there is growing evidence that federal leadership is necessary to end child marriage. In Mexico, for example, a growing movement to end child marriage was bolstered by a 2014 federal law defining the rights of children, including setting 18 as the minimum marriage age, without exceptions. Between 2008 and 2014 (prior to the federal law), states across Mexico had been raising marriage ages with varying degrees of impact, with just two setting a minimum age of marriage at 18. Even though the age of marriage could only be set by the

states, the federal law was critical in establishing a norm that marriage violates the rights of children. One year after the 2014 declaration, six more states set the marriage age at 18 without exceptions, and by the end of 2018, a total of 30 out of 32 states in Mexico had ended child marriage altogether.<sup>xxxii</sup>

Without federal leadership in the United States, we are unlikely to ever end child marriage in our country. The status quo not only damages individuals, families, and communities but also undermines the global movement to end child marriage and our role in it.

## AN OPPORTUNITY FOR TRUE LEADERSHIP

The federal government has a major opportunity to pursue progress toward ending child marriage and to position the United States as an authentic global leader in the movement to end this human rights abuse wherever it may occur, at home or abroad.

The solutions are straightforward, and the federal government must act now in recognition of the fact that many of our own state laws and federal marriage-based immigration laws actually work in tandem to facilitate and perpetuate a form of gender-based violence that the United States claims to condemn. It is critical to address both state and immigration law to ensure policy solutions neither scapegoat nor exclude survivors from any specific community as child marriage is present across communities and cultures in the U.S.

While setting a minimum marriage age is within states' legal purview, the federal government can set an example and incentivize state action. At minimum, the federal government should take the following steps:

- Mandate that the U.S. Department of Justice issue model statutory guidance for setting 18 (or the age of majority, if that is higher) as the minimum marriage age without exceptions.
- Incentivize states to take action through newly authorized funds that would increase certain grant awards to states that enact legislative reforms to protect children from forced and child marriage.
- Prohibit the issuing of marriage licenses if a marriage involving a minor will take place on federal land.
- Update U.S. immigration law to set the following legal standards:
  - Age at Time of Petition
    - U.S. citizen and lawful permanent resident sponsors of fiancé(e) and spousal visas must be at least 18 years of age at the time of petition.
    - Foreign beneficiaries of fiancé(e) and spousal visa petitions must be at least 18 years of age at the time of petition (subject to a limited humanitarian waiver and a carve out for VAWA self-petitioners+).
  - Age at Time of Marriage
    - U.S. citizen and lawful permanent resident sponsors of fiancé(e) and spousal visas must be at least 18 years of age at the time of marriage for the marriage to be valid for immigration purposes.
    - At present it is unclear if we can legislate age at time of marriage for foreign beneficiary spouses. That said, addressing only age at the time of petition does



not address the root of the problem of child marriage and will simply delay the immigration of a child bride, not prevent the child marriage in the first place. Further, setting 18 as the minimum age requirement at time of marriage for U.S. sponsors but not addressing age at time of marriage for foreign beneficiaries may send a message that we value protecting U.S. girls from child marriage more than we do those born outside our borders.

- Eliminate the harmful consummation exception<sup>xxxiii</sup> to the proxy marriage requirements and instead require parties to a spousal visa to have met in person at least once in the two years prior to the petition.

## CONCLUSION

In 2022, the Tahirih Justice Center marked 25 years of working at the intersection of immigration and gender-based violence. Across the country, through our immigration legal work and our trailblazing Forced Marriage Initiative, Tahirih has witnessed the devastating lifelong harms of child marriage. We appreciate the fact that, to some, restricting child marriage through the immigration system may be perceived as “closing a door” to immigration on some of the world’s most vulnerable citizens. We also acknowledge that the steps laid out in this report are the bare minimum of what is needed to prevent legally sanctioned child marriage in the United States.

Ultimately, we seek a world where child marriage is never a girl’s only perceived “solution” or pathway out of a difficult or abusive situation when it is likely just a doorway into another, potentially worse one. We know that ending this practice in all its forms requires legal change as well as investments in programs that focus on the causes and consequences of child marriage, address belief and behavior change, and teach comprehensive sexuality education.<sup>xxxiv</sup>

We look to the U.S. federal government to finally take the first steps toward ending legally sanctioned child marriage in the United States and show true leadership in the global movement to end child marriage.

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<sup>i</sup> Tahirih Justice Center, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*, (Tahirih Justice Center, 2017), <https://www.tahirih.org/wp-content/uploads/2017/08/TahirihChildMarriageReport-1.pdf>.

<sup>ii</sup> Tahirih Justice Center, *Making Progress, But Still Falling Short: A Report on the Movement to End Child Marriage in America* (Tahirih Justice Center, 2022), <https://www.tahirih.org/pubs/making-progress-but-still-falling-short-a-report-on-the-movement-to-end-child-marriage-in-america>. This report provides the latest analysis (updated November 1, 2022) on all 30 states that have recently enacted laws to end or limit child marriage (calling out features that make these laws strong or weak) and outlines what more needs to be done to end child marriage in America.

<sup>iii</sup> Tahirih Justice Center, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America* (Tahirih Justice Center, 2017), 3–4, <https://www.tahirih.org/pubs/falling-through-the-cracks-how-laws-allow-child-marriage-to-happen-in-todays-america>.

<sup>iv</sup> A note on gendered language: For the remainder of the report, the authors have chosen to use she/her pronouns to refer to individuals at risk and survivors of child marriage. Child marriage is a gendered social problem, with girls being disproportionately targeted and harmed in the United States and globally. In some instances, boys and gender nonbinary/nonconforming individuals can also be impacted by child marriage. All lived experiences should be included in the broader dialogue about this issue in the United States, and all survivors must have access to protections, services, and support.

<sup>v</sup> National Law Center on Homelessness & Poverty and National Network for Youth, *Alone Without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth* (National Law Center on Homelessness & Poverty and National Network for Youth, 2012), [https://homelesslaw.org/wp-content/uploads/2018/10/Alone\\_Without\\_a\\_Home.pdf](https://homelesslaw.org/wp-content/uploads/2018/10/Alone_Without_a_Home.pdf).

<sup>vi</sup> Lisa V. Martin, "Restraining Forced Marriage," *Nevada Law Journal* 18 (Spring 2018), 919–1003, [https://scholarcommons.sc.edu/law\\_facpub/302/](https://scholarcommons.sc.edu/law_facpub/302/).

<sup>vii</sup> National Law Center on Homelessness & Poverty and National Network for Youth, *Alone Without a Home*, "Definitions Pertinent to Unaccompanied Youth" and "Emancipation."

<sup>viii</sup> Anjali Tsui, Dan Nolan, and Chris Amico, "Child Marriage in America: By the Numbers," *PBS Frontline* (July 6, 2017), <http://apps.frontline.org/child-marriage-by-the-numbers>.

<sup>ix</sup> Unchained at Last, United States' Child Marriage Problem: Study Findings (Unchained at Last, 2021), <https://www.unchainedatlast.org/wp-content/uploads/2021/08/Study-PDF-FINAL-1.pdf>.

<sup>x</sup> Lyric Thompson and Mara Steinhaus, *Child Marriage in North Carolina: New Evidence and Policy Recommendations* (International Center for Research on Women, 2020), [https://www.icrw.org/wp-content/uploads/2020/08/child-marriage-in-NC-new-evidence-and-policy-recommendations\\_8-2020\\_ICRW.pdf](https://www.icrw.org/wp-content/uploads/2020/08/child-marriage-in-NC-new-evidence-and-policy-recommendations_8-2020_ICRW.pdf).

<sup>xi</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs (HSGAC), *How the U.S. Immigration System Encourages Child Marriages* (U.S. Senate, 2019), <https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>. While the marriage-based petitions counted in this report were approved by U.S. Citizenship and Immigration Services, we do not know how many were ultimately granted by the Department of State.

<sup>xii</sup> Lawson DW, Lynes R, Morris A, and Schaffnit SB, "What Does the American Public Know about Child Marriage?", *PLOS ONE*, September 23, 2020, <https://doi.org/10.1371/journal.pone.0238346>. Most participants incorrectly believed that child marriage is illegal throughout the United States, when in reality this is only the case in a handful of states – and even those states that have banned child marriage have only done so in the last few years.

<sup>xiii</sup> Tahirih Justice Center, *The Alarming Disconnect Between Age-Based Sex Offenses and Minimum Marriage Age* (Tahirih Justice Center, 2020), <https://www.tahirih.org/pubs/analysis-of-minimum-marriage-age-laws-and-age-based-sex-offenses-in-the-u-s/>; Kaya Van Roost, Miranda Horn, and Alissa Koski, "Child Marriage or Statutory Rape? A Comparison of Law and Practice Across the United States," *Journal of Adolescent Health* 70, no. 3 (2021): S72–S77, [https://www.jahonline.org/article/S1054-139X\(21\)00552-8/fulltext](https://www.jahonline.org/article/S1054-139X(21)00552-8/fulltext).

<sup>xiv</sup> Alex Samuels, "Abbott signs measure that tightens state law on child brides," *Texas Tribune*, June 16, 2017, <https://www.texastribune.org/2017/06/16/abbott-signs-measure-tightens-state-law-child-brides/>.

<sup>xv</sup> Lisa Foderaro, "Child marriage is sharply curtailed by New York legislature", June 8, 2017, <https://www.nytimes.com/2017/06/08/nyregion/child-marriage-is-sharply-curtailed-by-new-york-legislature.html#:~:text=ALBANY%20%E2%80%94%20For%20young%20teenagers%2C%20New,both%20judicial%20and%20parental%20consent>.

<sup>xvi</sup> Tsui Anjali, "Delaware Becomes First State to Ban Child Marriage," *PBS*, May 9, 2018, <https://www.pbs.org/wgbh/frontline/article/delaware-becomes-first-state-to-ban-child-marriage/>.

<sup>xvii</sup> State of New Jersey Governor Phil Murphy, "Governor Phil Murphy Signs Child Marriage Ban into Law," June 22, 2018, [https://nj.gov/governor/news/news/562018/approved/20180622b\\_child\\_marriage\\_ban.shtml#:~:text=TRENTON%20%2D%20Governor%20Phil%20Murphy%20today,child%20marriage%20under%20all%20circumstances](https://nj.gov/governor/news/news/562018/approved/20180622b_child_marriage_ban.shtml#:~:text=TRENTON%20%2D%20Governor%20Phil%20Murphy%20today,child%20marriage%20under%20all%20circumstances).

<sup>xviii</sup> In 2017, an "18 no exceptions" bill met stiff resistance in New York, and advocates pivoted to a strong compromise measure similar to those passed in Virginia and Texas, which ended marriage under age 18, with a limited exception for emancipated minors. Just four years later, advocates and lawmakers finished the job, and in 2021 the state ended all marriage under age 18. Using the number of child marriages that took place in New York each year prior to the 2017 reform as a basis for projection, the compromise

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measure likely prevented hundreds of child marriages from taking place in New York in the four years it took to set the minimum age at 18.

<sup>xix</sup> Tahirih Justice Center, “Summary of Marriage Age Reforms Achieved Across the U.S.,” updated November 1, 2022, <https://www.tahirih.org/pubs/summary-of-marriage-age-reforms-achieved-across-the-u-s/>.

<sup>xx</sup> Bryan Pietsch, New York becomes sixth state in U.S. to ban child marriages, July 23, 2021, <https://www.washingtonpost.com/nation/2021/07/23/child-marriage-ban-new-york/>.

<sup>xxi</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs (HSGAC), *How the U.S. Immigration System Encourages Child Marriages*, “Executive Summary.”

<sup>xxii</sup> Unchained at Last, *United States’ Child Marriage Problem*.

<sup>xxiii</sup> A [citizen of the United States](#) may file to sponsor a spouse or fiancé(e), while a [legal permanent resident](#) (LPR or Green Card holder) may only apply to sponsor a spouse.

<sup>xxiv</sup> The law concerning the affidavit of support (I-864) is found in Sections 212(a)(4) and 213A of the Immigration and Nationality Act (INA). Generally, this contract means an individual accepts responsibility for financially supporting the sponsored immigrant(s) and includes income requirements.

<sup>xxv</sup> Sasha K. Taylor, “For the Sake of a Visa, I Was Forced into Marriage in Arizona — at Age 15,” *Washington Post*, January 19, 2022, <https://www.washingtonpost.com/opinions/2022/01/19/forced-marriage-children-immigration-visa>.

<sup>xxvi</sup> Naila Amin, “The U.S. Should Stop Being Hypocritical When It Comes to Ending Child Marriage,” *Ms.*, November 21, 2021, <https://msmagazine.com/2021/11/21/naila-amin-child-marriage>.

<sup>xxvii</sup> Tahirih Justice Center, “Child Marriage Poses Serious Risks to Children,” updated May 2020, <https://www.tahirih.org/pubs/child-marriage-poses-serious-risks-to-children/>. This fact sheet outlines the often devastating and lifelong impacts of child marriage, whether or not the marriage is forced. Impacts include negative social, physical health, mental health, and economic outcomes. The fact sheet provides citations to all original, U.S.-based research.

<sup>xxviii</sup> Foreign Affairs Manual, U.S. Department of State. United States, 2015. Web Archive. <https://fam.state.gov/fam/07fam/07fam1740.html#M1740>.

<sup>xxix</sup> USAID, News and Information, Child, Early, and Forced Marriage: United States Government’s Response, <https://www.usaid.gov/news-information/fact-sheets/child-early-and-forced-marriage-usg-response>.

<sup>xxx</sup> United States. 2013. Violence Against Women Act of 2013. U.S. Dept. of Justice, Violence Against Women Office, <https://www.congress.gov/113/plaws/publ4/PLAW-113publ4.pdf>; This resulted in the U.S. Global Strategy to Empower Adolescent Girls which states “Ultimately CEFM [child, early, and forced marriage] arises from, and often perpetuates, gender inequality. It is a human rights abuse that contributes to economic hardship and leads to under-investment in girls’ educational and health care needs. CEFM undermines economic productivity, threatens sustainable growth and development, and fosters conditions that enable or exacerbate violence and insecurity, including domestic violence. It produces devastating repercussions for a girl’s life, effectively ending her childhood. Early marriage forces a girl into adulthood and motherhood before she is physically and mentally mature and before she completes her education, limiting her future options, depriving her of the chance to reach her full potential, and preventing her from contributing fully to her family and community <https://20092017.state.gov/documents/organization/254904.pdf>.”

<sup>xxxi</sup> White House Gender Policy Council, National Strategy on Gender Equity and Equality, October 22, 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>.

<sup>xxxii</sup> Cristina Bellés-Obrero and María Lombardi, “Will You Marry Me, Later? Age-of-Marriage Laws and Child Marriage in Mexico,” *Collaborative Research Center Transregio*, November 2020, <https://www.crctr224.de/en/research-output/discussion-papers/archive/2020/DP139v2>.

<sup>xxxiii</sup> The current Immigration and Nationalities Act (Sec. 101. [8 U.S.C. 1101]) allows that “the term “spouse”, “wife”, or “husband” does not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless marriage shall have been consummated.” In practice, this seems to incentivize rape following a proxy marriage where one individual may not have consented to be married in order for the marriage to be considered valid for immigration purposes. Removing this archaic exception and replacing it with the in-person meeting requirement will protect against sexual assault and bring the marriage visa petition process more in line with the requirements for a fiancé(e) visa.

<sup>xxxiv</sup> The Child, Early & Forced Marriage & Unions and Sexuality Working Group, “Comprehensive Sexuality Education: A Gender-Transformative Tool for Advancing Adolescent Sexual Health and Rights and Preventing Child, Early and Forced Marriage and Unions,” May 2021, [https://ajws.org/wp-content/uploads/2021/06/Key-Takeaways\\_CSE-webinar\\_v3.pdf](https://ajws.org/wp-content/uploads/2021/06/Key-Takeaways_CSE-webinar_v3.pdf).