

Problems relating to NRI Marriages

Dos and Donts



National Commission for Women

‘NRI marriages’, as generally understood, are between an Indian woman from India and an Indian man residing in another country (thus NRI – non-resident Indian), either as Indian citizen (when he would legally be an ‘NRI’) or as citizen of that other country (when he would legally be a PIO – person of Indian origin).

In the eagerness not to let go of such lucrative marriage offer, the families totally ignore even the common cautions that are observed in traditional matchmaking. They also ignore that in case of things going wrong in an NRI marriage, the woman’s recourse to justice is greatly constrained and complex. The aggravated risk in such marriage is the woman is being ‘isolated’ far away from home in an alien land, facing language constraints, communication problems, lack of proper information about the local criminal justice, police and legal system. The situation is worsened by lack of support network of friends and family and monetary constraints which leaves the deserted wife completely helpless and stranded.

COMMON ISSUES IN NRI MARRIAGES

Following are some of the typical instances of the issues that could arise in NRI marriages

- Woman married to an NRI who is abandoned even before being taken by her husband to the foreign country of his residence.
- Woman brutally battered, assaulted, abused both mentally and physically, malnourished, confined and ill treated and forced to flee or was forcibly sent back.
- A quick engagement, followed by a massive wedding, a huge dowry and a honeymoon, after which the NRI husband flies out of India while the wife waits for her visa. The menace of ‘honeymoon brides’ is a big problem to deal with as over 20,000 brides have not seen their husbands after their honeymoon.
- In some cases, the children were abducted or forcibly taken away from the woman.

- Woman who reached the foreign country of her husband's residence and waited at the international airport there only to find that her husband would not turn up at all.
- Abandoned in the foreign country with absolutely no support or means of sustenance or escape and without even the legal permission to stay on in that country.
- NRI husband was already married in the other country to another woman
- Husband had given false information on any or all of the following: his job, immigration status, earning, property, marital status and other material particulars, to con her into the marriage.
- Husband, taking advantage of more lenient divorce grounds in other legal systems, obtained ex-parte decree of divorce in the foreign country through fraudulent representations and/or behind her back, without her knowledge
- Woman was denied maintenance in India on the pretext that the marriage had already been dissolved by the court in another country.
- Woman who approached the court, either in India or in the other country, for maintenance or divorce but repeatedly encountered technical legal obstacles related to jurisdiction of courts, service of notices or orders, or enforcement of orders or learnt of the husband commencing simultaneous retaliatory legal proceeding in the other country.

Dos & Donts

Dos

- Do check the NRI groom's personal information particulars such as :***
- Marital status: if he is single, divorced, separated, Employment details : qualification and post, salary, address of office, employer and their credentials, Immigration status, type of visa, eligibility to take spouse to the other country

- ❑ Financial status, Properties said to be owned by him in India, residence address, family background, Visa, passport. Voter or alien registration card, Social security number.
- ❑ Have regular and meaningful communication with the man and his family over a period. Make sure that the two persons to be married meet personally and interact freely and frankly in comfortable atmosphere to make up their minds.
- ❑ Insist on a registered marriage along with the religious marriage to be solemnized in India with adequate proof like photographs etc.
- ❑ Insist on keeping in touch with the bride even after the marriage on phone and e-mail and through local friends and relatives and get alert if at any point there is any reluctance or difficulty in this.
- ❑ Equip the woman with knowledge of the laws of the foreign country and the rights she enjoys there, especially against any form of abuse or neglect, including domestic violence and if she can get residence permit and other protections as a victim of domestic violence or abuse.
- ❑ Inform people you trust if you face domestic violence in any form - physical, emotional, financial, and sexual. Keep a log of all acts of violence you face.
- ❑ Have a bank account in your exclusive name near your residence that you can use in case of any emergency.
- ❑ Keep a list of contact details of neighbors, friends, relatives, husband's employer, police, ambulance, and the Indian embassy or high commission, if abroad.
- ❑ Leave photocopies of all important documents including your passport, visa, bank and property documents, marriage certificate and other essential papers and phone numbers with parents or other trustworthy people in India or abroad. In case they are lost/forcibly taken away/mutilated/destroyed by or at the instance of spouse or in-laws, the copies will come in handy; if possible, keep a scanned soft copy with you and any person you trust so that the same can be retrieved if necessary.

- Try to keep a photocopy of husband's personal details including passport, visa, property details, license number, social security number, voter or alien registration card, among others.

Donts

- Do not take any decision in haste and do not get pressurized to do so for any reason whatsoever.
- Do not make matrimony a passage to greener pastures abroad by falling prey to lucrative schemes to migrate to another country or promises of getting green card through marriage.
- Do not finalize marriage matters, without meeting the family or over long distance, on phone or through e-mails.
- Do not get pressurized in taking impulsive decisions of marriage proposal with an NRI just because it appears too perfect to be true.
- Do not negotiate your daughter's marriage via a bureau, agent or middleman or trust them blindly
- In case matrimonial negotiations takes place via matrimonial sites, verify the details and authenticity of particulars submitted about the groom.
- Do not finalize matters in secrecy – publishing the proposal among the near and dear ones, friends and close relatives could help you in getting vital information which you may not be able to collect otherwise .
- Do not agree on the marriage taking place in the foreign country
- Do not be coerced into acceding to dowry or any other unreasonable demand made by or on behalf of your husband in order to end your desertion. Inform officials immediately if being forced to do so.
- Do not remain quiet, if faced with desertion or any other cruelty by husband and/or in-laws whether in India or abroad. Approach the authorities.

- Do not forge/fabricate papers or legal documents for somehow going abroad and do not become a party to illegal acts under pressure, allurements or instigation from anyone.
- Do not be forced into participating in legal action in country of husband's residence. You can file a case in India and cannot be forced to defend a case filed against you by husband abroad - especially divorce. India has more women-friendly laws than many other countries.
- Do not panic if your husband obtains divorce in the other country with or without your knowledge since it is not valid in India. Its valid in India only if you participate in that case.
- Do not defame husband and/or in-laws without evidence as they may slap a defamation case against you. Speak only the facts at the right fora - before police/lawyer/social worker/court etc.
- Do not be vindictive and take law in your hands. Never resort to violence or any illegal act to settle scores with deserter husband and/or in-laws. Approach government authorities in case of any problem in the marriage. Do not file false/frivolous complaint.

Points referred from :

**Report on “problems relating to NRI Marriages “
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