



Name of Country and Jurisdiction:

Virgin Islands of the United States

(Commonly known as the United States Virgin Islands)

(NOTE: The British Virgin Islands are covered by a separate report.)

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to the U.S. Virgin Islands, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to the U.S. Virgin Islands for an authority to grant a divorce/dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	United States Virgin Islands	Virgin Islands Code, 16 V.I. Code Ann. §§ 1–71 <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes ¹

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¹ On June 26, 2015, the United States Supreme Court issued a decision in four consolidated cases from the Sixth Circuit Court of Appeals under the name *Obergefell v. Hodges*, 576 U.S. _____ (2015), regarding same-sex marriage. The appeals arose from federal district court decisions in Michigan, Kentucky, Ohio, and Tennessee, which struck down as unconstitutional laws that denied the 14 petitioners the right to marry or refused to give full recognition to marriages lawfully performed in another state. The laws at issue in those states define marriage as a union between one man and one woman. The Sixth Circuit had reversed those decisions (in *DeBoer v. Snyder*, 772 F.3d 388 (2014)), holding that a state had no constitutional obligation to allow same-sex marriages or to recognize those performed in another state. In a 5-4 majority opinion, the U.S. Supreme Court held that the Fourteenth Amendment requires a state to license marriages between same-sex couples and to recognize lawfully performed same-sex marriages from another state. The Court held that the right to marry is protected under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Because the Court found that state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Vesper marriage	United States Virgin Islands	Virgin Islands Code, 16 V.I. Code Ann. §§ 81–86 <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes ¹

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2. What are the requirements to be able to enter into the above relationships?

A

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	There is no residency requirement for marriage in the U.S. Virgin Islands, but each party must state his or her nationality and usual residence on the license application.
Vesper marriage	There is no residency requirement for vesper marriage in the U.S. Virgin Islands.

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(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>The parties to the marriage may not be closely related by blood or marriage as specified in the statute (e.g., a man may not marry his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, step-mother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, or sister's daughter).</p> <p>Neither party may be already married to another person.</p> <p>Males must be at least 16 and females must be at least 14. If a party is under 18, then his or her father, mother, or guardian must consent.</p>
Vesper marriage	<p>Each party to the marriage must be at least 60 years old.</p> <p>Each party must be free to marry and not already married to another person.</p> <p>Vesper marriage spouses renounce all right, interest, and claim upon the estate of his or her spouse.</p> <p>Vesper marriage spouses owe each other duties of care, maintenance, and support only so long as they cohabit.</p> <p>Vesper marriage spouses are treated as single for the purposes of taxation and receipt of pension benefits.</p>



3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).



(a)–(c)	Not applicable. The U.S. Virgin Islands do not recognize civil unions.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A party who is already married cannot be married or enter into a vesper marriage with another person unless the prior marriage has been terminated by divorce or annulment.
Vesper marriage	

Q

5. When a couple comes to the U.S. Virgin Islands, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A marriage of residents of the U.S. Virgin Islands entered into in another jurisdiction will be recognized unless it is illegal under the law of the U.S. Virgin Islands (e.g., the parties are too closely related), in which case it may be decreed void in the same way as if it had been celebrated within the U.S. Virgin Islands.

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6. How can each form of relationship be dissolved? What is the residency requirement or other link to the U.S. Virgin Islands for an authority to grant a divorce/dissolution?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> • A marriage may be declared void if the parties are too closely related by blood or marriage as specified in the statute. • A marriage may be declared void if either spouse had been previously married and the prior marriage was not terminated by death or divorce. • A marriage may be declared void if the spouse seeking the annulment had been adjudged a lunatic, consented to the marriage by reason of fraud or force, was incapable for physical causes of entering into the marriage, or was underage so long as the parties did not freely cohabit as spouses after the spouse was restored to reason, learned of the fraud, was no longer subject to force, or attained legal age. • A court may issue a decree of legal separation or dissolution if there has been a breakdown of the marriage relationship and there remains no likelihood that the marriage can be preserved. • If the marriage was solemnized in the U.S. Virgin Islands, the spouse seeking the decree must be a resident of the U.S. Virgin Islands when the action is filed; if the marriage was not solemnized in the U.S. Virgin Islands, the spouse seeking the decree must have been a resident of the U.S. Virgin Islands for at least six weeks before filing the action.

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Vesper marriage	<ul style="list-style-type: none"> • During the first year, either vesper marriage spouse may terminate the relationship by ceasing to live with the other, notifying the other spouse of his or her intent to file, and filing, a Notice of Termination with the court. • After the first year, a vesper marriage may be terminated by separation and mutual agreement of the spouses, who must execute a Notice of Termination and Dissolution in the presence of a court clerk. • Absent agreement, after the first year, a vesper marriage may be terminated by divorce.

Sources:

- Virgin Islands Code, 16 V.I. §§ 1–4 (Marriages)
- Virgin Islands Code, 16 V.I. §§ 31–41 (Solemnization, Proof and Effect of Marriages)
- Virgin Islands Code, 16 V.I. §§ 61–71 (Rights and Duties of Husband and Wife)
- Virgin Islands Code, 16 V.I. §§ 81–86 (Vesper Marriage)
- Virgin Islands Code, 16 V.I. §§ 101–111 (Divorce and Annulment)
- *Obergefell v. Hodges*, 576 U.S. _____ (2015)
- Virgin Islands Annotated Code, Title 16 (Domestic Relations), available at <http://www.lexisnexis.com/hottopics/vicode/>
- Clerk of the Superior Court of the United States Virgin Islands, Marriage License Information, available at http://www.visuperiorcourt.org/clerk/popups/family/marriage_lisc.html