



THE INHERITED BURDEN

**Consanguineous Marriage Across the Human Lifespan, and the
Recognition Gap Between Domestic Prohibition and Immigration Law**

An Investigative report on Health, Consent, and the Limits of Prohibition

1858 – 2026

Amnesty Freedom

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PROLOGUE

Human rights violations often manifest through specific, recognizable symptoms: the suppression of expression, the dismantling of culture, and the removal of specific norms wherever they occur. To counter these forces, Amnesty Freedom documents harm as it is actually distributed across human lives, not as it is claimed, and not as it is feared.

This investigative report departs from our usual subject matter. It concerns no single government and no single persecuted community. It concerns a marriage practice followed by a substantial share of humanity, the measurable health burden that practice carries, the coercion that sometimes accompanies it, and a structural gap in United States law that has gone largely unexamined for a century and a half.

We hold this research to a strict standard. It is dishonest to frame a practice shared by a tenth of the global population as cultural contamination or invasion. It is equally irresponsible to ignore a proven, twofold increase in congenital anomalies by writing it off as cultural prejudice. Existing literature frequently falls into one of these two traps; this investigative report refuses both.

We are equally clear about *who* is harmed. The people who bear the cost of consanguineous marriage are overwhelmingly the children born into it and the young women pressured into it. They belong to the communities that practice it. Any policy response that treats those communities as a threat rather than as the constituency has already failed the people it claims to protect.

Whether operating through our central headquarters or via specific sister initiatives, our primary objective remains constant: to ensure that the right to expression, to bodily autonomy, and to freely given consent is upheld without fear of retribution.

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EXECUTIVE SUMMARY

This investigative report presents a lifespan analysis of consanguineous marriage, union between couples related as second cousins or closer, together with a legal analysis of how such marriages contracted abroad are treated by United States immigration law. It draws on peer-reviewed genetics and epidemiology, national statutory texts, Board of Immigration Appeals precedent, the Department of State Foreign Affairs Manual, and comparative European legislation enacted as recently as July 2026.

Three findings organize the document.

Finding One: The health burden is real, replicated, and smaller than the rhetoric.

Across the two strongest population datasets in the world, the Born in Bradford birth cohort in the United Kingdom and the Norwegian Medical Birth Registry, the offspring of first cousins carry roughly double the risk of congenital anomaly. Sheridan and colleagues report a multivariate relative risk of 2.19 (95% CI 1.67–2.85) and attribute 31 percent of anomalies among Pakistani-origin children in Bradford to consanguinity. Stoltenberg and colleagues, working across 1.56 million Norwegian births, report an infant death odds ratio of 2.4 (95% CI 2.0–3.0) and attribute 28 percent of birth defects in the Pakistani-origin group to the same cause. Bittles and Black place excess mortality in first-cousin progeny at approximately 3.5 percent above the non-consanguineous baseline.

These are substantial figures. They are also not extraordinary ones. In the same Bradford cohort and the same statistical model, maternal age above 34 among White British mothers carried a relative risk of 1.83 (95% CI 1.14–3.00), a risk of comparable magnitude, attaching to a reproductive choice that no jurisdiction criminalizes. Any policy argument that rests on the genetic evidence alone must account for that comparison.

Finding Two: The United States never banned cousin marriage, and the states that did are the exception in the developed world.

There is no federal prohibition. Marriage validity is state law. As of 2026, roughly 25 states prohibit first-cousin marriage, 18 states and the District of Columbia permit it outright, and 7 permit it subject to conditions of age, sterility, or genetic counseling. Only about nine states attach criminal liability. First-cousin marriage remains lawful across nearly all of Europe, Canada, Mexico, Australia, and most of Asia, Africa, and South America. The American prohibitions began in the Kansas Territory in 1858 and spread on the authority of a single 1858 report to the American Medical Association whose conclusions were contested at the time and would not survive modern peer review.

Finding Three: The recognition gap is genuine, and it is a question of legal architecture rather than demographic flow.

United States immigration law determines marriage validity by the law of the place of celebration. The public policy exception to that rule is narrower than is generally assumed: the USCIS Policy Manual confines it, by its own footnote, to marriages that violate the criminal law of the couple's state of residence. No published Board of Immigration Appeals decision addresses a first-cousin marriage

celebrated in a foreign country; every consanguinity precedent in the reporters concerns interstate evasion. The Foreign Affairs Manual instructs consular officers that they may request an advisory opinion in such cases, not that they should refuse, and its own worked example upholds a Hungarian first-cousin marriage in Michigan, a prohibiting state. The result is that a marriage a citizen cannot contract in Kansas may be contracted abroad, or in California, and recognized for federal immigration purposes without meaningful obstacle.

Sweden closed precisely this gap on 1 July 2026, refusing recognition to foreign cousin marriages with no requirement of any prior Swedish connection. Denmark reaches a comparable result through a rebuttable statutory presumption that a marriage between close relatives is not voluntary. The Netherlands, by contrast, operates a robust public-order non-recognition rule that reaches forced and child marriage but deliberately does not reach cousin marriage. The comparative record is therefore not a simple contrast between a permissive United States and a restrictive Europe; most European non-recognition doctrine targets consent and age, not consanguinity.

A correction this investigative report is obliged to make.

It is widely asserted that immigration is causing consanguineous marriage to spread within countries that prohibit it. The available evidence does not support the spread. It supports importation followed by rapid generational decline. In Bradford, first-cousin marriage among Pakistani-heritage mothers fell from 39.3 percent to 27.0 percent between the 2007–2010 and 2016–2019 birth cohorts, and total consanguinity from 62.4 percent to 46.3 percent. In Norway, consanguinity among Pakistani-origin mothers born in Norway fell from 48.3 percent to 18.8 percent in a single decade. In both countries the decline was steepest among the second generation, the better educated, and the youngest mothers. Pakistan itself, over the same period, remained flat at roughly 60 percent. Diaspora rates are converging downward faster than origin-country rates.

The legal gap documented in Part Eight is real and can be stated precisely. The epidemiological claim frequently attached to it cannot. This investigative report separates them, because a recommendation built on the second will not survive contact with the data.

Owing to the pace of legislative development in this area, three European jurisdictions have moved since 2023, and a private member's bill is at second reading in the United Kingdom, this document serves as a foundational backbone upon which a more exhaustive report will be built. It establishes the evidentiary architecture; it does not close the file.

CONCEPTUAL FRAMEWORK AND DEFINITIONS

Public debate on this subject is disfigured by the conflation of measures that are not equivalent. The following lexicon is used consistently throughout this investigative report, and the distinctions in the first subsection are the single largest source of error in the popular literature.

1. Measures of Relatedness

Consanguineous union. A marriage between couples related as second cousins or closer, conventionally defined by a coefficient of inbreeding $F \geq 0.0156$. This is the standard measure used in the global prevalence literature and by the Bittles global database.

First-cousin union. A marriage between the children of siblings, $F = 0.0625$. First cousins share on average one-eighth of their genomes by descent. This is a subset of the above, typically between half and two-thirds of all consanguineous unions, and the two measures are routinely and wrongly used interchangeably.

Coefficient of inbreeding (F). The probability that an individual receives two copies of the same allele from a common ancestor. Genetic risk attaches to this coefficient, not to the social label placed on the relationship.

Autozygosity and runs of homozygosity (ROH). Directly measured genomic homozygosity, as distinct from relatedness inferred from a stated pedigree. Bittles and Black caution that in populations practicing clan, tribe, caste, or biraderi endogamy, couples who report themselves unrelated may nonetheless carry substantial shared ancestry. Stated consanguinity therefore understates true autozygosity, and in such populations a prohibition framed around stated cousinhood addresses only part of the underlying genetic structure.

2. Legal and Doctrinal Terms

Lex loci celebrationis (place of celebration). The conflict-of-laws rule that a marriage valid where contracted is valid everywhere. It is the default rule in United States federal immigration and tax practice and in most state marriage-recognition statutes.

Public policy exception. The residual doctrine permitting a forum to refuse recognition to a marriage that offends its own strong public policy. In the immigration context, USCIS confines this exception to marriages violating the criminal law of the state of residence, a materially narrower formulation than the doctrine at large.

Marriage evasion statute. A provision voiding a marriage contracted out of state by residents who traveled to escape a domestic prohibition, descended from the Uniform Marriage Evasion Act of 1912. Wisconsin, Illinois, Massachusetts, Idaho, and Arkansas retain functional versions. Most prohibiting states do not.

Void versus prohibited. A marriage may be barred at the licensing stage without being void once contracted, and may be void without being criminal. These three questions have different answers in at least six states, and collapsing them, as every popular compilation does, produces wrong results.

Ordre public non-recognition. The civil-law analogue used across Europe, by which a foreign marriage is denied recognition as manifestly incompatible with domestic public order. Its reach varies sharply: the Dutch provision covers the direct line and siblings but not cousins, while the Swedish provision as amended in 2026 expressly covers cousins.

3. Mechanisms of Coercion

Forced marriage. A marriage entered into without the free and full consent of one or both parties. It is legally and analytically distinct from consanguineous marriage; the two overlap in an unmeasured proportion of cases, and no official statistical series in either the United Kingdom or the United States records the relationship between the parties.

Marriage migration. The practice of contracting a marriage with a spouse resident abroad, frequently within the extended kin network, with the spouse subsequently migrating under family reunification provisions. Shaw identifies this as a principal driver of continued cousin marriage among British Pakistanis, concentrated in origin communities from Mirpur district and northern Punjab.

Biraderi. The patrilineal kinship and clan network of Punjab and Mirpur, within which marriage is preferentially arranged. It operates as the practical unit of obligation, and explains why prohibition framed at the level of the individual couple has limited traction against pressure exercised at the level of the lineage.

Bint ‘amm marriage. The preferential Arab form, in which a man marries his father’s brother’s daughter. Structurally distinct from the South Indian cross-cousin preference, and the distinction matters: the two patterns serve different property and lineage functions and respond to different interventions.

PART ONE: THE GLOBAL MAP

Prevalence, Custom, and the Legal Geography

Consanguineous marriage is not a marginal practice. Bittles and Black, writing in the Proceedings of the National Academy of Sciences, estimate that couples related as second cousins or closer, together with their progeny, account for approximately 10.4 percent of the global population. That figure is frequently misquoted as a marriage rate. It is not: it is a share of world population comprising both the couples and the children born to them.

Hamamy and the Geneva International Consanguinity Workshop put the exposed population differently, estimating that approximately 1.1 billion people live in countries where consanguineous marriage is customary, and that among them roughly one marriage in three is between cousins. The two figures are not in conflict; they measure different things, and presenting either as the other is the most common error in this literature.

The highest rates occur in North and sub-Saharan Africa, the Middle East, and West, Central, and South Asia. Across that belt the consanguineous share of unions has historically run between 20 and 50 percent.

Table 1. Coefficients of Inbreeding by Degree of Relationship

Relationship	Coefficient of Inbreeding (F)	Genome Shared by Descent	Legal Status, United States
Uncle–niece / aunt–nephew	0.125	One quarter	Prohibited in all states
Double first cousins	0.125	One quarter	Prohibited in most; expressly barred in North Carolina
First cousins	0.0625	One eighth	Prohibited in ~25 states; lawful in 18 plus DC
First cousins once removed	0.03125	One sixteenth	Prohibited in six states
Second cousins	0.0156	One thirty-second	Lawful in every state
Unrelated (population baseline)	0.000–0.002	Negligible	Lawful

The threshold for the standard epidemiological definition of consanguinity sits at the second-cousin line, $F \geq 0.0156$. Every United States jurisdiction permits marriage at that threshold, and Kentucky and Nevada, both routinely misdescribed as prohibiting second cousins, bar only those "nearer of kin than second cousins," which permits second cousins expressly.

Regional Prevalence: The Arab States

The most complete verified regional compilation is Tadmouri and colleagues in Reproductive Health. The ranges below reflect between-study heterogeneity across regions, years, and urban or rural sampling frames; they are not confidence intervals. Note throughout the distinction between the first-cousin-and-closer column and the overall consanguinity column.

Table 2. Consanguinity in the Arab States (ranges across reported studies)

Country	First cousin & closer (%)	Overall consanguinity (%)
Sudan	44.2–49.5	44.2–63.3
Egypt (Nubia)	39.0–47.2	60.5–80.4
Qatar	34.8	54.0
Yemen	32–34	40.0–44.7
Iraq	29–33	47–60
Syria	28.7	30.3–39.8
United Arab Emirates	20.7–28.2	40.0–54.2
Saudi Arabia	24.6–42.3	42.1–66.7
Bahrain	24.5	39.4–45.5
Oman	24.1	56.3
Tunisia	17.4–23	20.1–39.3
Jordan	19.5–39	28.5–63.7
Kuwait	16.9–31.7	22.5–64.3
Egypt (national)	14.3–23.2	20.9–32.8
Palestine	13.6–34.2	17.5–66.3
Algeria	11.3	22.6–34
Morocco	8.6–10	19.9–28
Lebanon	6.7–31.6	12.8–42
Libya	Not reported	48.4
Mauritania	Not reported	47.2

Tadmouri and colleagues summarize the regional position as one in which first-cousin marriages "may reach 25–30% of all marriages." Sudan and Nubian Egypt sit at the extreme upper end of the global distribution.

National Surveys: Asia and the Wider Region

The following figures derive from named national surveys rather than compiled ranges, and are correspondingly more reliable. Each is dated, because trend direction differs sharply by country.

Table 3. Consanguinity by National Survey

Country	Rate	Measure	Survey and Year	Trend
Pakistan	~60%; >80% of these first cousins	Consanguineous (2C+)	PDHS 1990/91, n=6,611 (Hussain & Bittles)	Flat
Pakistan	~63%	Consanguineous	All four PDHS waves 1990–2018 (Iqbal et al.)	"High but overall stable" across three decades
Iran	23% (Gilan) to 78% (Sistan & Baluchistan)	Consanguineous, provincial range	2008 (Abbasi-Shavazi et al.)	Wide internal variation
Turkey	22%; mean $\alpha = 0.011$	Consanguineous	TDHS-2003, n=8,075	Declining
Turkey	18.5%, of which 57.8% first cousin	Consanguineous	Ministry of Health survey 2013, n=4,913	Declining
Palestinian Territories	45%	Total consanguinity	PCBS 2004, n=4,971	Significantly decreasing

Country	Rate	Measure	Survey and Year	Trend
Saudi Arabia (Albaha)	40%; 72% of these first cousin	Consanguineous	Cross-sectional 2021, n=757 ever-married	Rising locally (31% in parents' generation)
India	9.9% overall; South 23%, North-East 3.1%	Consanguineous	NFHS-4 2015–16, n=456,646	Declining 16–19% since 1992–93
Israel (Arab population)	36.3% → 41.6%	Consanguineous	National health surveys 2007 and 2017	Contested, see note
Japan	1.6% first cousin; 3.9% total	Both, separately	National survey 1983, n=9,225 couples	Steeply declining

Two cautions attach to this table. First, the Israeli trend is genuinely unsettled: the same lead author reports a decline from 42.5 to 30.9 percent in one marriage-cohort study and a rise from 36.3 to 41.6 percent in a later analysis of two national health surveys. This investigative report does not present an Israeli trend as established. Second, India's national figure conceals the sharpest regional gradient in the global dataset: uncle–niece marriage stands at 0.6 percent nationally, but carries a relative risk ratio of 38.16 for the South against the North. Within India, region predicts consanguinity more strongly than religion does.

The Diaspora Evidence

Two datasets dominate the world literature on consanguinity in migrant communities: the Born in Bradford birth cohort in the United Kingdom, and the Norwegian Medical Birth Registry. Both are population-scale, both are longitudinal, and both point the same direction.

Table 4. Consanguinity in Diaspora Communities, With Trend

Population	Earlier Measurement	Later Measurement	Source
Bradford, Pakistani heritage, first cousin	39.3% (2007–10)	27.0% (2016–19)	Small, Kelly & Wright, Wellcome Open Res 2024
Bradford, Pakistani heritage, all consanguineous	62.4% (2007–10)	46.3% (2016–19)	Small, Kelly & Wright 2024
Bradford, White British	All but one respondent unrelated	Unchanged	Small, Kelly & Wright 2024
Norway, Pakistani-origin mothers born in Pakistan	45.5% (1995–97)	27.3% (2002–05)	Grjibovski, Magnus & Stoltenberg 2009
Norway, Pakistani-origin mothers born in Norway	48.3% (1995–97)	18.8% (2002–05)	Grjibovski et al. 2009
Norway, general population, first cousin parents	0.1%	0.1%	Stoltenberg et al., Am J Epidemiol 1997
United Kingdom, British Pakistani (historical)	55% first cousin (n=100, 1988)	Superseded	Darr & Modell, J Med Genet 1988

A widely circulated figure that should be retired.

The claim that "55 percent of British Pakistanis marry their first cousin" is still in circulation, frequently dated to the 2000s or later. Its actual source is Darr and Modell in the Journal of Medical Genetics in 1988, reporting on 100 randomly selected British Pakistani mothers in the postnatal wards of two West

Yorkshire hospitals, of whom 55 were married to first cousins. It is a sample of one hundred women, in two hospitals, in one county, taken thirty-eight years ago. It is not a national figure and it is not a current one. The best contemporary evidence from the same region is 27.0 percent first-cousin and 46.3 percent total consanguinity, both falling.

Shaw's ethnographic work adds a caution that applies to the whole Bradford series: the pattern observed in Bradford may not be applicable nationally, because British Pakistani origin communities are concentrated in Mirpur district and northern Punjab and do not represent Pakistan as a whole.

The United States: an evidentiary vacuum.

There is no indexed epidemiological literature giving consanguinity prevalence for Arab-American, Pakistani-American, South Asian American, or Somali-American communities. A targeted search of the biomedical literature returns nothing. No figure exists for Dearborn, for Minneapolis, or for any other concentrated community.

This absence has structural causes and is itself a finding. The United States collects no consanguinity variable at marriage registration. It has no equivalent of the Norwegian Medical Birth Registry and no birth cohort comparable to Born in Bradford sited in the relevant communities. And first-cousin marriage is unlawful in roughly half of the states, which suppresses both the practice and its reporting. The practical consequence for this investigative report is stated plainly: any United States prevalence percentage the reader encounters, including in advocacy material, is an extrapolation from origin-country rates unless it names a United States survey. None of the figures in this report is such an extrapolation.

Religious and Customary Sanction

The legal geography follows religious and customary history more closely than it follows genetic knowledge, and in every case the law long predates any understanding of recessive inheritance.

- **Islam.** The Qur'anic list of prohibited marriage partners at 4:23 does not include cousins. In many Muslim-majority cultures cousin marriage is not merely permitted but preferred, the father's-brother's-daughter match being the classic Arab form. The pattern is regional as much as doctrinal: Indonesia, Malaysia, and Bangladesh do not show Middle Eastern rates, and within India, South Indian Hindu prevalence exceeds national Muslim prevalence.
- **Hinduism.** Section 5 of the Hindu Marriage Act 1955 bars marriage between sapindas and within the degrees of prohibited relationship, in each case "unless the custom or usage governing each of them permits." That custom proviso is the operative provision for South India, and is what makes cross-cousin and uncle-niece marriage lawful in Tamil Nadu, Karnataka, Andhra Pradesh, and Telangana while North Indian Hindu practice treats cousin marriage as incestuous.
- **Judaism.** Cousins do not appear in the prohibited-degree lists of Leviticus 18 or Deuteronomy, and cousin marriage is permitted.
- **Catholic canon law.** Historically the most restrictive tradition. Marriage was barred within four degrees of consanguinity, extended to seven in the ninth century, and returned to four by the Fourth Lateran Council in 1215. Under the 1983 Code a first-cousin marriage requires a

dispensation, which is routinely granted. The medieval Western Church's expansive prohibitions are the reason Western European rates are historically low, a religious legacy, not a genetic judgment.

The Legal Geography

Prohibition is the global exception. First-cousin marriage is lawful across nearly all of Europe, in Canada, Mexico, Australia, most of South America, most of Africa, and most of Asia including Japan. The jurisdictions that prohibit it form a short and heterogeneous list.

Table 5. Jurisdictions Prohibiting First-Cousin Marriage

Jurisdiction	Scope of Prohibition	Date
China	Collateral relatives by blood to the third degree	1981 Marriage Law; now the Civil Code
South Korea	To third cousins, the broadest legal scope in the world	Current
North Korea	To third cousins	Current
Taiwan	To second cousins	Current
Vietnam	To second cousins	Current
Philippines	First cousins	Current
Sweden	First cousins; foreign marriages also non-recognized	Effective 1 July 2026
Belgium; Lithuania	First cousins	Current
United States	~25 of 50 states; no federal prohibition	From 1858 (Kansas Territory)
Austria, Hungary, Spain	Prohibited through the nineteenth century, with dispensation available	Nineteenth century; since repealed

The United States is the significant outlier among developed nations, and the only one where the prohibition is sub-national and therefore variable by state of residence, a fact that becomes decisive in Part Eight.

PART TWO: THE LIFESPAN

Cousin Marriage Across Six Phases of a Human Life

The health consequences of consanguinity are not distributed evenly across a life. They are concentrated at the two ends, heavily at the start, in the form of congenital anomaly and early mortality, and more diffusely at the far end, in the form of reduced stature, reduced cognitive function, and reduced lung capacity. The middle of the life course is comparatively unaffected, and this report says so, because the contrary claim is widespread and the evidence does not support it.

The mechanism is uniform throughout. Consanguinity does not create harmful alleles; it increases the probability that a child inherits two copies of a recessive allele already present in the family line. The consequence is a rise in autosomal recessive disease, an effect that is real, measurable, and confined to conditions with that inheritance pattern.

PHASE 01: CONCEPTION AND THE PRENATAL PERIOD

Recessive Expression, Pregnancy Loss, and Congenital Anomaly

The founding observation of this field is that the risk attaches to the coefficient of inbreeding and to nothing else. Where two parents share a recent common ancestor, each recessive allele carried by that ancestor has an elevated probability of appearing in homozygous form in the child. For first cousins, sharing one-eighth of their genomes by descent, that probability is substantial enough to be detected reliably in population data and small enough to be missed entirely in a single family.

Congenital anomaly: the Born in Bradford evidence.

Sheridan and colleagues, reporting in *The Lancet* in 2013, analyzed 11,396 babies with questionnaire data from a multi-ethnic birth cohort recruited in Bradford between 2007 and 2011. Three percent, 386 children, had a congenital anomaly, a rate of 305.74 per 10,000 livebirths against a national rate of 165.90 per 10,000.

After multivariate adjustment, consanguinity carried a relative risk of 2.19 (95% CI 1.67–2.85). Thirty-one percent of all anomalies in children of Pakistani origin were attributable to consanguinity. Critically, the authors noted no association with increasing deprivation, which is the strongest available answer to the objection that the apparent genetic effect is really a socioeconomic one.

The same model produced two further results that any honest reading must carry forward. Maternal age above 34 among White British mothers carried a relative risk of 1.83 (95% CI 1.14–3.00), a risk of the same order as consanguinity. And maternal education to degree level was protective at 0.53 (95% CI 0.38–0.75), irrespective of ethnicity.

Congenital anomaly: the Norwegian registry evidence.

Stoltenberg and colleagues examined all 1.56 million births recorded in Norway between 1967 and 1993, including 7,494 children with two Pakistani parents. First-cousin parentage stood at 0.1 percent in the Norwegian-origin population and 30.1 percent in the Pakistani-origin population.

The relative risk of birth defect for children of two Pakistani parents was 1.39 (95% CI 1.22–1.60) against the Norwegian-origin baseline. The decisive finding is what happened when consanguinity was separated out: there was no difference in risk between children of non-consanguineous Pakistani parents and any other group, and the relative risk for first-cousin offspring was approximately 2 in all groups, irrespective of ethnicity. Twenty-eight percent of birth defects among the Pakistani-origin population were attributable to consanguinity.

That result is worth stating in plain terms, because it cuts in two directions at once. The elevated risk in this population is a consanguinity effect, not an ethnicity effect and not a migration effect. Non-consanguineous Pakistani-Norwegian families carried no excess risk at all. Any framing that attaches risk to national origin rather than to the coefficient of inbreeding is refuted by this dataset.

Table 6. Phase 01 Indicators, Prenatal and Congenital Outcomes

Indicator	Finding	Population and Method	Source
Congenital anomaly, consanguinity	RR 2.19 (95% CI 1.67–2.85), multivariate	11,396 babies, Born in Bradford cohort 2007–11	Sheridan et al., Lancet 2013
Congenital anomaly rate, cohort	305.74 per 10,000 livebirths vs national 165.90	Same cohort; 386 anomalies (3%)	Sheridan et al. 2013
Attributable fraction, Pakistani origin	31% of all anomalies	Same cohort	Sheridan et al. 2013
Comparator: maternal age >34	RR 1.83 (95% CI 1.14–3.00)	White British mothers, same model	Sheridan et al. 2013
Comparator: maternal degree education	RR 0.53 (95% CI 0.38–0.75), protective	All ethnicities, same model	Sheridan et al. 2013
Deprivation	No association detected	Same cohort	Sheridan et al. 2013
Birth defect, two Pakistani parents	RR 1.39 (95% CI 1.22–1.60)	1.56 million Norwegian births 1967–93	Stoltenberg et al., Am J Epidemiol 1997
Birth defect, non-consanguineous Pakistani	No difference from any other group	Same registry	Stoltenberg et al. 1997
Attributable fraction, Norway	28% of birth defects in Pakistani group	Same registry	Stoltenberg et al. 1997
Stillbirth	OR 1.3 (95% CI 1.0–1.6), adjusted	Norwegian registry 1967–93	Stoltenberg et al., Am J Epidemiol 1998
Congenital malformation, general	4.5% vs 1% background rate	Narrative review of reproductive consequences	Oniya et al., EJOG 2019

PHASE 02: INFANCY

Mortality in the First Year, and the Recurrence Problem

Infancy is where the burden concentrates most sharply. Bittles and Black place mortality in first-cousin progeny at approximately 3.5 percent above the non-consanguineous baseline, an absolute excess, not a relative risk, and the single most widely cited figure in the field.

The Norwegian registry supplies the most rigorous decomposition. Across 7,274 Pakistani-origin and 1,431,055 Norwegian-origin children, with 31.0 percent against 0.1 percent first-cousin parentage, consanguinity carried an infant death odds ratio of 2.4 (95% CI 2.0–3.0) after adjustment for maternal education, maternal age, parity, and year of birth. Between 1985 and 1993, 29 percent (95% CI 13–45) of all stillbirths and infant deaths in the Pakistani-origin group were attributable to consanguinity.

Again the control comparison is the decisive one: the risks of stillbirth and infant death were similar for children of non-consanguineous parents in both populations, despite large socioeconomic differences between them.

Recurrence: the burden falls on families, not populations.

The most consequential and least discussed finding in this literature concerns recurrence. Examining 629,888 births to unrelated parents and 3,466 to first-cousin parents, Stoltenberg and colleagues found that the risk of early death for the next sibling was 17 per 1,000 for unrelated parents whose previous child survived, rising to 67 per 1,000 where the previous child had died. For first-cousin parents the corresponding figures were 29 per 1,000 and 116 per 1,000.

This is the practical shape of the harm. Recessive disease does not distribute itself evenly across a community at slightly elevated frequency; it concentrates catastrophically in the minority of families that happen to carry a particular allele, and it recurs in those families pregnancy after pregnancy. A population-level relative risk of two conceals a reality in which most consanguineous families experience no genetic harm whatever and a small number lose several children. That distribution is what makes cascade carrier testing within affected families a far more precise intervention than any population-wide rule.

Persistence across generations.

Sørbye and colleagues followed the question into the second generation, examining births between 1995 and 2010. Stillbirth stood at 7.4 per 1,000 for Pakistani-born mothers, 5.0 per 1,000 for Norwegian-born mothers of Pakistani descent, and 3.5 per 1,000 in the host population; adjusted odds ratios were 2.8 (95% CI 2.2–3.6) and 2.2 (95% CI 1.1–4.2). Infant death followed the same pattern at 6.9, 5.6, and 2.9 per 1,000. The authors note that the elevated risk persists across generations, while translating, in their own phrase, into few excess deaths.

Table 7. Phase 02 Indicators, Infant Mortality

Indicator	Finding	Population and Method	Source
Excess mortality, first-cousin progeny	~3.5% above baseline (absolute)	Global synthesis	Bittles & Black, PNAS 2010
Infant death, consanguinity	OR 2.4 (95% CI 2.0–3.0), adjusted	7,274 Pakistani-origin; 1,431,055 Norwegian-origin	Stoltenberg et al. 1998
Attributable fraction, 1985–93	29% (95% CI 13–45) of stillbirths and infant deaths	Norwegian registry, Pakistani-origin group	Stoltenberg et al. 1998
Non-consanguineous comparison	Risks similar in both populations despite SES gap	Same registry	Stoltenberg et al. 1998
Recurrence, unrelated parents	17 per 1,000 (prior child survived); 67 per 1,000 (prior child died)	629,888 births	Stoltenberg et al., Am J Public Health 1999

Indicator	Finding	Population and Method	Source
Recurrence, first-cousin parents	29 per 1,000 and 116 per 1,000	3,466 births	Stoltenberg et al. 1999
Stillbirth, second generation	7.4 / 5.0 / 3.5 per 1,000; aOR 2.8 and 2.2	Norway 1995–2010	Sørbye et al., AOGS 2014
Infant death, second generation	6.9 / 5.6 / 2.9 per 1,000; aOR 2.8 and 2.4	Norway 1995–2010	Sørbye et al. 2014

PHASE 03: CHILDHOOD

Recessive Disease, Intellectual Disability, and Sensory Loss

Children who survive infancy carry the residual burden of autosomal recessive conditions that manifest after birth: the hemoglobinopathies, metabolic disorders, primary immunodeficiencies, congenital sensory loss, and the large and heterogeneous category of recessive intellectual disability.

Intellectual disability.

Kahrizi and colleagues examined 100 sporadic intellectual disability patients in Iran, all with healthy consanguineous parents, using trio sequencing. They identified apparently causative changes in 61 percent, 44 homozygous recessive and 17 dominant de novo mutations. Their quantified conclusion is that parental consanguinity raises intellectual disability risk approximately 3.6-fold, and approximately 4.1 to 4.25-fold for the children of first-cousin unions.

Hu and colleagues, working across 404 consanguineous families, identified likely causative variants in 219 families, a diagnostic yield of 54.2 percent, implicating 77 known and 77 novel autosomal recessive intellectual disability genes, 21 X-linked genes, and 9 genes previously implicated in other diseases.

These figures require careful handling. A 3.6-fold elevation in intellectual disability risk is a serious finding. But the denominator matters: the baseline population prevalence of intellectual disability is on the order of one to two percent, so a fourfold elevation describes a shift from roughly one child in seventy to roughly one in eighteen. That is a substantial public health burden and it is not the picture of wholesale impairment that the nineteenth-century literature asserted and that continues to circulate.

Sensory loss.

Congenital hearing loss is among the most consistently consanguinity-linked conditions, because the great majority of non-syndromic deafness is autosomal recessive. Al Khabori and Patton found that 70 percent of deaf Omani children had consanguineous parents. Abu Rayyan and colleagues, working in the Palestinian population, determined that 56 percent of hearing loss was genetic in origin against 44 percent non-genetic.

What the evidence does not show.

Not every childhood condition attributed to consanguinity survives adjusted analysis. Alshaban and colleagues, examining autism spectrum disorder specifically, report that in adjusted multiple logistic regression analyses consanguinity was not significantly associated with autism risk. This report records that finding because the contrary claim is common in advocacy material and is not supported by the strongest available study design.

Table 8. Phase 03 Indicators, Childhood Morbidity

Indicator	Finding	Population and Method	Source
Intellectual disability risk	~3.6-fold overall; 4.1–4.25-fold for first-cousin offspring	100 sporadic ID patients, trio sequencing, Iran	Kahrizi et al., Clin Genet 2019
Diagnostic yield, sporadic ID	61% causative (44 homozygous recessive, 17 de novo)	Same study	Kahrizi et al. 2019
Diagnostic yield, familial ID	54.2% (219 of 404 families)	404 consanguineous families	Hu et al., Mol Psychiatry 2019
Novel gene discovery	77 known + 77 novel AR-ID genes; 21 X-linked	Same cohort	Hu et al. 2019
Childhood deafness	70% of deaf children had consanguineous parents	Omani children	Al Khabori & Patton, Int J Audiol 2008
Hearing loss etiology	56% genetic, 44% non-genetic	Palestinian population	Abu Rayyan et al., PNAS 2020
Autism spectrum disorder	NOT significantly associated after adjustment	Adjusted multiple logistic regression	Alshaban et al., J Autism Dev Disord 2025

PHASE 04: ADOLESCENCE

The Point at Which Genetics Stops and Consent Begins

Adolescence marks a transition in the nature of the harm. The genetic burden is already fixed; what emerges instead is the question of who chooses, and under what pressure. For the adolescent in a community where cousin marriage is customary, the practice ceases to be an inherited medical risk and becomes a prospective social obligation.

The available data are almost entirely about coercion rather than health, and are set out in Part Three. Two observations belong here.

First, the age profile of forced marriage is adolescent. In the United Kingdom Forced Marriage Unit's 2025 caseload, 163 cases, 40 percent, involved victims under 18, of whom 87 were aged 15 or under. A further 30 percent were aged 18 to 25. Whatever the relationship between the parties, the pressure is applied overwhelmingly to the young.

Second, the decline in consanguinity documented in Bradford and Norway is concentrated precisely in this cohort. In Bradford the reduction was most marked among women born in the United Kingdom, women educated to A level or higher, and women under 25. In Norway the fall was steeper among mothers born in Norway (48.3 to 18.8 percent) than among mothers born in Pakistan (45.5 to 27.3 percent). Where young women in these communities acquire education and the standing to refuse, they

refuse. This is the most policy-relevant finding in the entire epidemiological record, and it points toward education and exit support rather than toward prohibition.

PHASE 05: ADULTHOOD

Complex Disease, Homozygosity, and the Limits of the Evidence

The adult phase is where claims about consanguinity most frequently outrun the data. The strongest evidence available is a very large genomic study that both confirms and sharply bounds the effect.

Joshi and colleagues, reporting in *Nature* in 2015, examined 354,224 individuals across 102 cohorts, measuring directly observed runs of homozygosity rather than relying on stated pedigrees. They found significant directional dominance on four traits. Offspring of first cousins were on average 1.2 centimeters shorter. Cognitive ability was significantly reduced ($P = 2.5 \times 10^{-10}$), with an effect equivalent to roughly ten months less education. Educational attainment itself and forced expiratory lung volume ($P = 2.1 \times 10^{-6}$) were likewise reduced.

The negative results are equally important and are almost never reported alongside the positive ones. The study found no evidence that genome-wide homozygosity influences blood pressure, low-density lipoprotein cholesterol, or ten other cardio-metabolic traits. The major chronic diseases of adult life, the ones that dominate health system costs, do not show an inbreeding effect in the largest study ever conducted on the question.

Much of the remaining literature associating consanguinity with adult diabetes, hypertension, and metabolic syndrome consists of studies conducted within highly endogamous populations without an appropriate non-consanguineous comparison group. Such designs establish that these conditions are common in the populations studied. They do not establish that consanguinity caused them, and this report does not present them as though they did.

Table 9. Phase 05 Indicators, Adult Outcomes (Joshi et al., *Nature* 2015)

Trait	Effect of Increased Homozygosity	Statistical Support
Stature	Offspring of first cousins 1.2 cm shorter	Significant
Cognitive ability (g)	Reduced	$P = 2.5 \times 10^{-10}$
Educational attainment	Equivalent to ~10 months less education	Significant
Forced expiratory lung volume	Reduced	$P = 2.1 \times 10^{-6}$
Blood pressure	No evidence of effect	Null
LDL cholesterol	No evidence of effect	Null
Ten other cardio-metabolic traits	No evidence of effect	Null

Sample: 354,224 individuals across 102 cohorts, using directly measured runs of homozygosity rather than reported pedigree. This is the largest and methodologically strongest study of inbreeding effects on adult traits in existence.

PHASE 06: LATE LIFE AND THE INTERGENERATIONAL LEDGER

Evidence on late-life outcomes is thin. No adequately powered study establishes an association between parental consanguinity and dementia, late-onset disease, or longevity. The Joshi findings on stature, cognition, and lung function persist into later life by construction, since they are traits measured in adults, but they do not amount to a late-life disease burden.

What does carry forward is structural rather than clinical. Where consanguineous marriage is sustained across successive generations within an endogamous community, the accumulated coefficient of inbreeding rises above the nominal 0.0625 of a single first-cousin union. Bittles and Black warn that in clan, tribe, caste, and biraderi populations, couples who regard themselves as unrelated may nonetheless exhibit high homozygosity. The corollary is uncomfortable for prohibition as a strategy: a rule framed around stated cousinhood reaches only the declared relationships, while the underlying autozygosity that carries the genetic risk is produced by community-wide endogamy that no marriage statute addresses.

The ledger for a single life, then, reads as follows. Roughly double the risk of congenital anomaly at birth. Roughly 3.5 percent excess absolute mortality in the first years. A threefold to fourfold elevation in intellectual disability risk. A high probability of recessive sensory impairment where the relevant alleles run in the family. Slightly reduced stature, cognitive function, and lung capacity in adulthood. No demonstrated effect on the major cardio-metabolic diseases. And, for the great majority of individuals born to first-cousin parents, no manifest genetic harm at all.

PART THREE: CONSENT, COERCION, AND THE MARRIAGE-MIGRATION NEXUS

Where the Human Rights Case Is Strongest

The genetic case against cousin marriage is real but bounded. The consent case is different in kind. A marriage entered into without free and full consent is a violation regardless of the relationship between the parties, regardless of the genetic consequences, and regardless of whether any child is ever born. It is on this ground, not the genetic one, that the United Kingdom Parliament and the Nordic legislatures have actually acted.

The distinction must be held firmly, because the two arguments have different evidentiary bases and different policy implications. Cousin marriage is not forced marriage. Most cousin marriages are not forced. But where forced marriage occurs in the communities that practice cousin marriage, the intended spouse is frequently a cousin, and the transaction is frequently transnational.

The United Kingdom Forced Marriage Unit Data

The Forced Marriage Unit, jointly operated by the Home Office and the Foreign, Commonwealth and Development Office, publishes the only sustained official statistical series on forced marriage in any Western country. Its 2025 release records 1,295 contacts relating to possible forced marriage and female genital mutilation, comprising 406 cases in which tailored assistance was provided and 889 enquiries.

Table 10. United Kingdom Forced Marriage Unit Caseload

Indicator	2024	2025
Total cases	240	406 (tailored assistance) of 1,295 contacts
Victims under 18	34% (15% aged ≤15; 19% aged 16–17)	40%, 163 cases (87 aged ≤15; 76 aged 16–17)
Victims aged 18–25	Not separately stated	30%, 122 cases
Female victims	71% (171)	74% (301)
Male victims	29% (69)	26% (105)
Pakistan as focus country	107 cases (45%)	165 cases (41%)
Bangladesh	30 (13%)	36 (9%)
Afghanistan	16 (7%)	28 (7%)
Cases with no overseas element	15 (6%)	58 (14%)
Victims with doubts about capacity to consent	63 (26%)	Not separately stated
Total focus countries	Not stated	34

A methodological warning that must accompany these figures.

The apparent rise from 240 cases in 2024 to 406 in 2025 is not a real increase and must not be presented as one. The Forced Marriage Unit states expressly that its 2025 figure is not directly comparable to 2021–2024 because of a change in recording practice, with a new and wider "tailored assistance"

category replacing the previous advice and support category. The series is also not comparable to years before 2020 for the same reason. A further caution: all Forced Marriage Unit figures combine forced marriage and female genital mutilation, and are therefore not a pure forced-marriage count.

The statistic that does not exist.

The Forced Marriage Unit publishes no breakdown by relationship between the parties. Neither does any United States source. There is consequently no official statistic, anywhere, on the proportion of forced marriages that involve cousins. Any figure purporting to quantify that overlap is an estimate without an official basis, and this report declines to supply one. The absence is itself a policy finding, and is addressed in Recommendation 9.

The United States Evidence Base

The United States position is weaker still. The Department of State defines forced marriage as one taking place at any age without the consent of one or both parties, notes that domestic violence, child abuse, assault, kidnapping, threats, stalking, and coercion statutes may apply, observes that some are extraterritorially enforceable, and states that perpetrators face immigration consequences including inadmissibility or removal. It publishes no statistics.

The most-cited United States figure comes from the Tahirih Justice Center's 2011 national survey, which found as many as 3,000 known or suspected cases of forced marriage encountered over a two-year period across the United States. The survey drew on more than 500 professionals across 47 states, attorneys, social workers, teachers, counselors, and police, reporting cases arising among families and communities from at least 56 different countries. Only 16 percent of respondents felt adequately prepared to assist someone facing forced marriage.

That figure requires a caveat for policy readers. It is a practitioner-perception survey, not an incidence study. The cases are self-reported as known or suspected, with no de-duplication across agencies. It is the most-cited United States number precisely because no better one exists, and it is now fifteen years old. It cannot bear the weight of a prevalence estimate.

Marriage Migration

The mechanism connecting consanguinity to immigration is not genetic but social. Shaw's ethnographic research on British Pakistanis identifies transnational marriage, a spouse joining from Pakistan, as a principal driver of continued cousin marriage, concentrated in communities originating in Mirpur district and northern Punjab. A cousin marriage in this setting is frequently also a migration event: the union discharges an obligation within the biraderi and simultaneously secures settlement for a relative abroad.

The immigration statistics are consistent with this pattern, although they cannot establish it. Among immigrant visas issued in fiscal year 2024, the ratio of IR-1 visas (spouse of a United States citizen, marriage of two years or more at issuance) to CR-1 visas (conditional spouse, marriage under two years) diverges sharply by country of birth. Pakistan shows a ratio of roughly 17 to 1 and Yemen

roughly 39 to 1, against India at 0.85 to 1 and Jordan at 1.1 to 1. A high IR-1 share indicates marriages already well established at the point of visa issuance. The causes are not established by the data itself, processing backlogs, prior residence abroad, and marriage patterns all plausibly contribute, and this investigative report presents the ratio as an observation requiring investigation, not as evidence of anything in particular.

PART FOUR: THE CHILD MARRIAGE OVERLAP

Where Two Legal Gaps Intersect

Cousin marriage and child marriage are distinct practices with distinct legal treatments, and the United States handles them inconsistently in a way that is instructive. Where a state prohibits first-cousin marriage but permits marriage at 16, its law expresses more concern about the couple's genetic relationship than about the age of the parties, a ranking that is difficult to defend on either health or human rights grounds.

The scale of child marriage in the United States.

Unchained At Last, working from marriage certificate and licence data, documents 297,033 minors legally married in the United States between 2000 and 2018, and 314,154 through 2021. Ninety-six percent were aged 16 or 17; 86 percent were girls; some were as young as 10. Girls were wed to men on average 4.02 years their senior. At least 66,415 of these marriages occurred at an age or spousal age difference that should have been considered a sex crime, roughly 90 percent of them through statutory rape marital exemptions.

The methodology deserves a note. Of the 297,033 figure for 2000–2018, 232,474 derive from actual marriage certificate data obtained from 32 states, while 64,559, roughly a fifth, are estimated, including six states derived by correlation analysis against Census data at a correlation of 0.88. It is the best available figure and it is a modelled estimate, not a count.

Table 11. United States Child Marriage, Scale and Legal Status

Indicator	Figure	Note
Minors married 2000–2018	297,033	232,474 from actual data; 64,559 estimated
Minors married 2000–2021	314,154	Updated series; 33 states supplied data
Proportion aged 16–17	~96%	Some as young as 10
Proportion female	~86%	Average spousal age gap 4.02 years
Marriages at ages constituting a sex offense	At least 66,415	~90% via statutory rape marital exemptions
States banning marriage under 18 without exception	17 states plus DC, American Samoa, USVI	Delaware and New Jersey first, 2018; Oklahoma 2026
States where marriage under 18 remains lawful	33	With varying exceptions

The asymmetry in the Foreign Affairs Manual.

The State Department treats these two questions very differently, and the contrast is the sharpest single piece of evidence in this investigative report about where official concern actually sits. On marriage between relatives, 9 FAM 102.8-1(B)(2) tells consular officers that where they suspect a marriage may not be valid because the parties are biological relations such as siblings, uncle and niece, or first cousins, they "may request" an advisory opinion from the Office of the Legal Adviser. On minor marriage, 9 FAM 102.8-1(B)(3) tells them they "should request" one, and provides further that where

an underage petitioner cannot submit the required Form I-864 affidavit of support, the officer "should refuse" the visa application on public charge grounds under INA § 212(a)(4)(A).

Permissive discretion in the first case; directive language and a specified refusal ground in the second. Whatever view one takes of cousin marriage, the drafting reveals that the Department already possesses the machinery to apply a substantive marriage-validity filter at the visa stage, and already calibrates that machinery according to how strongly it judges the underlying interest.

PART FIVE: AUTONOMY, PROPERTY, AND LINEAGE CONTROL

The Function the Practice Performs

Cousin marriage is not an arbitrary custom, and policy that treats it as one will fail. It performs identifiable functions, and the functions differ by region in ways that matter for intervention design.

In the Arab preferential form, marriage to the father's brother's daughter keeps property, and specifically a daughter's inheritance share, within the patriline. Where inheritance law grants women a share, marrying a woman to her paternal cousin returns that share to the lineage that would otherwise lose it. The practice is a mechanism of property retention operating through women, and the woman's consent is structurally the least weighted variable in the transaction.

In the South Indian form the logic is different. Cross-cousin and uncle–niece marriage consolidate alliance between two families across generations and hold down dowry obligations between households already bound to one another. The parallel-cousin match preferred in Arab societies is not customarily sanctioned in Hindu South India, and the distinction is not cosmetic: the two systems serve different ends and respond to different pressures.

In diaspora communities a third function appears, absent in either origin setting. Marriage within the biraderi becomes a means of securing migration for relatives and of maintaining obligation across a border. Shaw's finding that transnational marriage drives continued cousin marriage among British Pakistanis describes a practice that has acquired a new purpose in migration that it did not have at origin.

Why This Matters for Policy Design

Each function implies a different lever, and none of them is the marriage licence counter.

- **Property retention.** Where the practice retains property within the patriline, the operative constraint is inheritance law and the practical ability of women to hold and dispose of property in their own name.
- **Kin obligation.** Where the practice discharges obligation within a kin network, the operative constraint is the young person's capacity to refuse without losing family, housing, and community. That is a question of exit support, refuge provision, and independent legal advice.
- **Migration function.** Where the practice secures settlement for relatives abroad, the operative constraint is immigration law, and this is the one lever the United States federal government holds directly, which is the subject of Part Eight.

The empirical record supports this reading. In both Bradford and Norway the sharpest declines in consanguinity occurred among women born in the host country, women educated to A level or higher, and women under 25, in neither country as a result of any prohibition, since first-cousin marriage was lawful in both throughout the observation periods. The practice declined where women acquired the education and independent standing to decline it. That is the strongest evidence in the entire record about what actually works.

PART SIX: THE AMERICAN PROHIBITION, 1858–2026

Origins, Spread, and Present Architecture

The United States is the only developed nation with widespread prohibition of first-cousin marriage, and the prohibition is sub-national, inconsistent, and older than the science usually invoked to justify it. Understanding how it arose is necessary to understanding why it has the particular structure that creates the recognition gap analyzed in Part Eight.

The Bemiss report of 1858.

The scientific authority on which the American prohibitions were built was a single document: Dr. Samuel Merrifield Bemiss's "Report on Influence of Marriages of Consanguinity upon Offspring," extracted from the Transactions of the American Medical Association and published in Philadelphia in 1858.

Bemiss solicited data from physicians across several states and assembled 873 consanguineous marriages yielding approximately 3,942 children, against a comparison group of 125 non-related marriages. He classified unions by degree, with 600 first-cousin cases. He reported defect rates in offspring of more than 10 percent deaf-dumbness, more than 5 percent blindness, and approximately 15 percent idiocy, together with insanity, epilepsy, and scrofula. He concluded that "multiplication of the same blood by in-and-in marrying does incontestably lead in the aggregate to the physical and mental depravation of the offspring."

By any modern standard the study is uninterpretable. The cases were physician-solicited rather than systematically ascertained, the comparison group was a twentieth the size of the exposed group, there was no control for socioeconomic status or for the tendency of physicians to report striking cases, and the reported defect rates exceed by an order of magnitude anything found in any subsequent population study. Sheridan's Bradford cohort found a 3 percent anomaly rate in the highest-risk population measured with modern methods; Bemiss reported roughly 15 percent idiocy alone.

The report was contradicted at the time by George Darwin and Alan Huth in England and by Robert Newman in New York. George Darwin's 1875 papers in the Journal of the Statistical Society of London estimated first-cousin marriage in England at 3.5 percent among the middle classes and 4.5 percent among the nobility, and reached broadly reassuring conclusions about its effects. Bemiss's conclusions were nonetheless widely accepted, and it was Bemiss and not Darwin that the state legislatures followed.

Morgan and evolutionary social theory.

The intellectual frame into which the Bemiss report landed was supplied by Lewis Henry Morgan, whose "Systems of Consanguinity and Affinity of the Human Family" was published by the Smithsonian Institution in 1870–71. Morgan's evolutionary scheme classified kinship systems along a ladder from savagery to civilization, and cousin marriage was coded as a survival of an earlier stage, something civilized peoples had properly discarded.

Ottenheimer's scholarship is the authority here. In the Journal of Family History in 1990 and at length in "Forbidden Relatives: The American Myth of Cousin Marriage" (University of Illinois Press, 1996), he traces the American prohibitions to precisely this source: cousin marriage "being categorized as an early type of evolutionary institution: something to be avoided or discarded by so-called civilized peoples." His title carries the thesis. The American prohibition is a myth in the technical sense, a culturally generated belief presented as science. Morgan himself had married his cousin in 1853.

The legislative wave.

Kansas, then a Territory, enacted the first prohibition in 1858, the same year as the Bemiss report. Nevada, North Dakota, South Dakota, Washington, New Hampshire, Ohio, and Wyoming followed in the 1860s. By the 1880s some thirteen states and territories had banned the practice, and by the 1920s the number had roughly doubled. The rate of increase was nearly constant until the mid-1920s, after which the wave essentially stopped: only Kentucky (1946), Texas (2005), and Tennessee (2024) have banned since, and Maine's 1985 enactment is frequently miscounted as a ban when it in fact permits first-cousin marriage subject to genetic counseling.

The Present Architecture

As of 2026 the position is as follows, and the arithmetic reconciles across the three categories: roughly 25 states prohibit first-cousin marriage, 18 states and the District of Columbia permit it, and 7 permit it subject to conditions.

Table 12. United States First-Cousin Marriage Law by Category

Category	Count	Jurisdictions
Prohibit	~25	AR, DE, ID, IA, KS, KY, LA, MI, MS, MO, MT, NE, NV, NH, ND, OH, OK, OR, PA, SD, TN, TX, WA, WV, WY
Permit	18 + DC	AL, AK, CA, CO, CT, FL, GA, HI, MD, MA, NJ, NM, NY, NC, RI, SC, VT, VA, plus DC, American Samoa, Puerto Rico, US Virgin Islands
Permit with conditions	7	AZ, IL, IN, ME, MN, UT, WI

Table 13. The Conditional States, Statutory Conditions

State	Citation	Condition
Arizona	A.R.S. § 25-101(A)–(B)	Both parties 65 or older; or under 65 on superior court approval upon proof one cousin is unable to reproduce
Illinois	750 ILCS 5/212	Both parties 50 or older; or a physician's certificate that a party is permanently and irreversibly sterile
Indiana	Ind. Code § 31-11-1-2	Both parties at least 65
Maine	19-A M.R.S. § 701(2)(B)	Physician's certificate of genetic counseling
Minnesota	Minn. Stat. § 517.03 subd. 1	Prohibited except as permitted by the established customs of aboriginal cultures
Utah	Utah Code § 30-1-1	Both parties 65 or older; or both 55 or older on a district court finding that either is unable to reproduce
Wisconsin	Wis. Stat. § 765.03(1)	Where the female has attained the age of 55; or a physician's affidavit of permanent sterility

The drafting of these conditions is the most revealing material in current American law on this subject, and it is examined in Part Seven. Age thresholds of 50, 55, and 65, and certificates of sterility, have one function: they permit the marriage precisely when it cannot produce children. Maine alone, and only since 1985, substitutes genetic counseling for a reproductive bar. Minnesota's exception is cultural rather than biological.

Criminal Exposure, and the Lists That Get It Wrong

Criminal liability does not track the marriage prohibition, and the commonly circulated eight-state list is wrong in both directions. The distinction matters directly, because USCIS keys its public policy exception to the criminal law of the state of residence.

Table 14. Criminal Liability for First-Cousin Relations

State	Statute	Grade and Penalty
Nevada	NRS § 201.180, incorporating NRS §§ 122.020, 125.290	Category A felony, minimum 2 years, maximum life with parole; fine to \$10,000
Kentucky	KRS § 530.020 (first cousin expressly named)	Class C felony between consenting adults
Utah	Utah Code § 76-7-102 (first cousin expressly named)	Third degree felony
Texas	Tex. Penal Code § 25.02(a)(6)	Third degree felony
Oklahoma	21 Okla. Stat. § 885, incorporating 43 Okla. Stat. § 2	Felony, up to 10 years
Mississippi	Miss. Code § 97-29-5, incorporating § 93-1-1	Up to 10 years
Arizona	A.R.S. § 13-3608, incorporating § 25-101(A)	Class 4 felony (but see textual note)
North Dakota	N.D.C.C. § 12.1-20-11, incorporating § 14-03-03	Class C felony
South Dakota	SDCL § 22-22A-2, incorporating § 25-1-6	Class 5 felony (but see textual note)
Arkansas	Ark. Code § 9-11-106	Misdemeanor, fine, imprisonment, or both

Corrections to the standard compilations.

- **Wisconsin does not criminalize the marriage.** Wisconsin Stat. § 765.30 penalizes a resident who goes outside the state and there contracts a marriage prohibited or declared void under Wisconsin law. This punishes evasion, not cousin marriage. A first-cousin couple marrying within Wisconsin contrary to § 765.03 are not reached by it.
- **Idaho prohibits but does not criminalize.** Idaho Code § 32-206 prohibits first-cousin marriage, but § 32-205, which lists the unions that are incestuous and void, omits first cousins, and the criminal provision, § 18-6601, keys only to § 32-205. The chain does not close.
- **West Virginia does not criminalize first cousins.** West Virginia Code § 61-8-12 covers parents, siblings, grandparents, nephews, nieces, uncles, and aunts. First cousins are not covered.
- **Arizona has a textual gap.** A.R.S. § 13-3608 reaches degrees "declared by law to be incestuous and void," while § 25-101(A) uses the words "prohibited and void." A literal-reading defense is available.

- **South Dakota exempts the married.** SDCL § 22-22A-2 applies to persons "who are not legally married." A validly married couple appears to fall outside the offense.
- **Kentucky and Nevada do not prohibit second cousins.** Both bar persons "nearer of kin than second cousins" (KRS § 402.010(1); NRS § 122.020(1)), which permits second cousins expressly. The contrary claim is widespread and is a misreading.

The Four Questions That Popular Compilations Collapse

Any accurate treatment of American cousin-marriage law must answer four separate questions for each state, because they have different answers in at least six of them: whether a licence may issue; whether the marriage is void once contracted; whether an out-of-state or foreign marriage is recognized; and whether the conduct is criminal.

Oklahoma illustrates the point at its sharpest. Title 43, section 2 declares first-cousin marriages incestuous, illegal, and void, and then provides expressly that "any marriage of first cousins performed in another state authorizing such marriages, which is otherwise legal, is hereby recognized as valid and binding in this state." Oklahoma thus legislatively adopts a pure place-of-celebration rule for the very marriages it prohibits. Yet 21 Okla. Stat. § 885 makes the couple's sexual relations a felony punishable by up to ten years, because it keys to the section 2 degrees. The marriage is valid and binding; the marital relations are a felony.

Texas is the most commonly miscited state in the country. Section 6.201 of the Family Code lists the relationships that render a marriage void, and first cousins do not appear on it. Section 2.004(b)(6)(F) bars the issuance of a licence to first cousins. Section 25.02(a)(6) of the Penal Code makes the conduct a third degree felony. Texas therefore bars the licence and criminalizes the conduct while its void-marriage list does not, on its face, void the marriage.

Recognition of Marriages Contracted Elsewhere

Most states codify the place-of-celebration rule rather than leaving it to common law, and the decisive variable is whether the state also retains a marriage evasion statute.

Table 15. Recognition and Evasion Provisions

State	Citation	Effect
Kansas	K.S.A. § 23-2508	Bare place-of-celebration rule; no evasion statute. Residents may validly marry out of state
Oklahoma	43 Okla. Stat. § 2	Express recognition of out-of-state first-cousin marriages
Idaho	Idaho Code § 32-209	Place of celebration, subject to public policy and an express intent-to-circumvent clause
Illinois	750 ILCS 5/213 and 5/216	Place of celebration with a public policy proviso; evasion statute voids evasive marriages
Wisconsin	Wis. Stat. §§ 765.04, 765.30	Evasive marriage void for all purposes; criminal penalty to \$10,000 and 9 months
Massachusetts	G.L. c. 207 § 10	Evasive marriage null and void for all purposes
Arkansas	Ark. Code § 9-11-107(a)	Recognition conditioned on the parties having actually resided in the celebrating jurisdiction

The leading cases.

In re Estate of Loughmiller, 229 Kan. 584, 629 P.2d 156 (1981), is the most useful authority in this investigative report. Owen and Peggy Loughmiller, first cousins, married in Lamar, Colorado in 1973; Owen was a Kansas resident and they made their home in Parsons, Kansas. On Owen's death Peggy claimed as surviving spouse. The Kansas Supreme Court recognized the marriage, holding that "we cannot find that a first cousin marriage validly contracted elsewhere is odious to the public policy of this state." Kansas, the first jurisdiction in the United States to prohibit first-cousin marriage, held in 1981 that such a marriage contracted elsewhere did not offend its own public policy.

Ghassemi v. Ghassemi (La. Ct. App. 1st Cir. 2008) is the leading modern American authority on recognition of a foreign cousin marriage. Tahereh and Hamid Ghassemi, Iranian nationals and first cousins, married in Iran in 1976 and later settled in Louisiana. The court held that Louisiana recognizes the marriage, reversing the trial court, and that first-cousin marriage does not violate a strong public policy of Louisiana.

Matter of May, 305 N.Y. 486 (1953), supplies the canonical statement of the doctrine. An uncle and his half-blood niece, both New York domiciliaries, married in Rhode Island in 1913 under an exemption in Rhode Island law. The Court of Appeals held that "a marriage valid where solemnized is valid everywhere," the New York prohibition lacking express extraterritorial language.

PART SEVEN: THE EUGENIC QUESTION

What the American Prohibition Owes to Hereditarian Thought, and What It Does Not

Any investigative report recommending restriction in this area must confront the origins of the existing restrictions, because the objection will be raised and a document that has not answered it in advance will not survive review. This section sets out the counter-case in full.

The causation claim is overstated, and the chronology refutes it.

It is frequently asserted that American cousin-marriage bans were a product of the eugenics movement. The scholarly consensus rejects this, and the dates alone are decisive. The first ban was enacted in 1858 and roughly thirteen states had banned by the 1880s. The Eugenics Record Office at Cold Spring Harbor did not open until 1910. The bans substantially predate organized American eugenics.

Paul and Spencer, writing in PLoS Biology in 2008, state the position directly: "Perhaps surprisingly, these bans are not attributable to the rise of eugenics." They add that "most prominent American eugenisists were, at best, lukewarm about the laws, which they thought both indiscriminate in their effects and difficult to enforce," preferring sterilization of the unfit as a more effective instrument. The surviving source material of the Eugenics Record Office contains no references to consanguinity or cousin marriage.

Ottenheimer locates the cause elsewhere, in nineteenth-century evolutionary social theory, as set out in Part Six. This investigative report adopts that account. Cousin-marriage prohibition and eugenics were parallel and overlapping currents in American hereditarian thought, sharing intellectual ancestry and a period, but the first was not caused by the second.

The structural objection, however, holds.

Paul and Spencer make a second and more durable point. Laws barring cousin marriage "use coercive means to achieve a public purpose and thus would seem to qualify as eugenics," and they note the resulting inconsistency: "It is obviously illogical to condemn eugenics and at the same time favor laws that prevent cousins from marrying."

The strongest evidence for that classification is not the nineteenth-century enactment history but the text of the statutes currently in force. Arizona, Indiana, and Utah permit first-cousin marriage at 65; Wisconsin where the female has attained 55; Illinois at 50; and Arizona, Illinois, Utah, and Wisconsin alternatively on proof of sterility. These provisions do not regulate marriage. They regulate reproduction, and they say so on their face. A state that permits a marriage only once the couple cannot have children has not expressed a view about marriage at all.

Maine is the single exception, requiring genetic counseling rather than infertility. It is the only American statute in this field whose mechanism matches its stated justification.

The magnitude objection.

The National Society of Genetic Counselors addressed this question directly in its 2002 recommendations, authored by Bennett, Motulsky, Bittles, Hudgins and colleagues in the *Journal of Genetic Counseling*. Their operative conclusion is that "beyond a thorough medical family history with follow-up of significant findings, no additional preconception screening is recommended for consanguineous couples."

That is the considered position of the relevant professional body in the United States. It does not describe a population facing a risk of a kind or magnitude warranting special legal treatment. The same group had earlier documented, in *Genetics in Medicine* in 1999, the state of the field they were correcting: risk figures quoted to consanguineous couples ranged from 0.25 percent to 20 percent for first-cousin unions, an eighty-fold spread, reflecting not evidence but the individual counselor's assumptions.

The confounding objection, and the answer to it.

It is regularly argued that the apparent genetic effect is really an artifact of poverty, maternal education, healthcare access, and other correlates of the communities in which consanguinity is common. This is the most serious methodological objection in the field, and it has a good answer.

The Norwegian registry data address it directly. There was no difference in birth defect risk between children of non-consanguineous Pakistani parents and any other group, and the risks of stillbirth and infant death were similar for children of non-consanguineous parents in both populations despite large socioeconomic differences. The Bradford data address it from the other side: the consanguinity effect held in multivariate analysis and the authors noted no association with increasing deprivation. The effect is not socioeconomic confounding. It is a genetic effect, and it is correctly attributed.

The proportionality objection, which this investigative report accepts.

The remaining objection is the strongest, and it is not answered by better data. In the same Bradford model that produced a relative risk of 2.19 for consanguinity, maternal age above 34 produced a relative risk of 1.83. These are risks of the same order. One is a criminal offense in nine American states. The other is a reproductive choice made by a large and growing share of American women, which no jurisdiction regulates and none proposes to.

Bhopal and colleagues, working in the same Bradford cohort, documented offsetting factors: consanguineous mothers experienced less separation and divorce and lower rates of smoking in pregnancy, and the authors concluded that debate "should balance the potential protective effect ... with established genetic risk."

Amnesty Freedom takes the following position. The genetic evidence, standing alone, does not justify criminal prohibition, and the statutes that permit the marriage only once the couple is past reproductive age are indefensible on any ground this organization recognizes. The case for policy attention rests on consent, on the age of the parties, and on the availability of informed genetic counseling, not on preventing particular people from reproducing. The recommendations in Part Ten follow from that position and not from the prohibitionist tradition described in Part Six.

PART EIGHT: THE RECOGNITION GAP

How a Marriage Prohibited in Twenty-Five States Enters the Country Lawfully

This part sets out the structural argument at the center of this investigative report. It is an argument about legal architecture, and it is stated as such. It does not depend on any claim about how many such marriages occur, because, as Part One established, no such data exists in the United States.

The Statutory Starting Point

The Immigration and Nationality Act contains no affirmative definition of "spouse." Section 101(a)(35), codified at 8 U.S.C. § 1101(a)(35), defines only what is excluded: a spouse by reason of a marriage ceremony where the parties were not physically present together, unless the marriage was consummated. Everything else, the place-of-celebration rule, the public policy exception, and the entire apparatus of marriage validity in immigration law, is administrative and judge-made, not statutory.

That is the first structural observation, and it is consequential. Congress has never legislated on which marriages the United States will recognize for immigration purposes. The rule now in force was built by the Board of Immigration Appeals across four decisions between 1962 and 1976, and glossed by agency manual.

Spousal petitions run through two channels. Under INA § 201(b)(2)(A)(i), spouses of United States citizens are immediate relatives and are not numerically limited. Under INA § 203(a)(2)(A), spouses of lawful permanent residents fall in the family-sponsored second preference, of which at least 77 percent must go to spouses and minor children.

The Rule and Its Exception

The USCIS Policy Manual, Volume 12, Part G, Chapter 2, states the rule: a marriage is valid under the law of the jurisdiction in which it is performed. The exception is for "certain marriages that violate the strong public policy of the state of residence of the couple."

The critical language is in the manual's own footnote 4, which confines that exception far more narrowly than its main text suggests. Under Board case law, the exception "generally has been limited to situations, such as certain incestuous marriages, where the marriage violates the criminal law of the state of residence."

The consequence of that footnote is the whole of the argument. The exception is not keyed to whether a state prohibits cousin marriage. It is keyed to whether the state criminalizes it. Roughly twenty-five states prohibit; approximately nine criminalize. In the remaining sixteen prohibiting states, including Idaho and West Virginia, where the criminal provisions demonstrably do not reach first cousins, the exception has, on the agency's own formulation, no purchase at all.

The Controlling Precedents

Three Board decisions govern, and they are routinely misdescribed.

Table 16. Board of Immigration Appeals Precedents on Consanguineous Marriage

Decision	Relationship and Facts	Outcome	Operative Reasoning
Matter of Zappia, 12 I&N Dec. 439 (BIA 1967)	First cousins. US citizen resident in Wisconsin; Italian beneficiary. Married in South Carolina.	DENIED	Travel to South Carolina was to evade Wisconsin's prohibition; Wisconsin voided evasive marriages and extended criminal incest provisions to returning parties.
Matter of Hirabayashi, 10 I&N Dec. 722 (BIA 1964)	First cousins. US citizen resident in Illinois; Japanese beneficiary. Married in Colorado, 1963.	APPROVED	No evasive intent, the Colorado trip was for legitimate business. Illinois's 1961 criminal code no longer criminalized first-cousin cohabitation, so no strong public policy existed.
Matter of Da Silva, 15 I&N Dec. 778 (BIA 1976)	Uncle and niece, both Portuguese nationals resident in New York. Married in Georgia, 1975.	APPROVED	New York's incest statute "does not expressly regulate a marriage solemnized in another State where it was legal." An out-of-state uncle-niece marriage by New York residents does not violate New York public policy.

Three observations follow.

- **The leading case is read backwards.** Da Silva is frequently cited as authority for a restrictive "state of intended residence" bar. It is the opposite. It is an uncle-niece case in which the Board upheld the marriage and held that the domiciliary state's public policy was not offended. USCIS cites it for the place-of-celebration rule, not against it.
- **Denial requires two conditions, not one.** On the authority of Zappia and Hirabayashi together, denial requires a state that voids rather than merely prohibits the marriage, and proven travel to evade. Hirabayashi, same relationship, different state, no evasive intent, came out the other way.
- **The foreign case is unlitigated.** Every consanguinity precedent in the reporters concerns a marriage celebrated in another United States state, in an interstate-evasion posture. No published Board decision addresses a first-cousin marriage celebrated in a foreign country. The doctrine has never been tested in the posture that matters most for immigration, and the evasion branch, which did the work in Zappia, cannot arise in the same way for two people who were already resident abroad when they married.

Consular Practice

The Foreign Affairs Manual confirms the position from the visa side. Section 102.8-1(B)(a) states that "the law of the place of marriage celebration controls," and that if the marriage was legally performed and legally recognized there, "then the marriage is valid for visa adjudication purposes." Section (B)(b) preserves the public policy exception in general terms.

Section 102.8-1(B)(2), headed "Marriage Between Relatives," is the provision directly on point. It observes that "the legal thresholds vary state by state. For example, first cousins may not marry in Michigan." It then notes that "a 1973 ruling of the Michigan Supreme Court, however, found a marriage between first cousins that took place in Hungary was nevertheless valid in Michigan." And it instructs: "In any case where you suspect that a marriage may not be valid for visa adjudication purposes because

the parties are biological relations such as siblings, uncle-niece, or first cousins, you may request an AO from L/CA."

Three features of that drafting are decisive. The instruction is permissive, an officer "may request" an advisory opinion, and is nowhere told to refuse. The Department's own chosen illustration is a case in which a foreign first-cousin marriage was upheld in a state that prohibits cousin marriage, Michigan having declared such marriages void from their inception at M.C.L.A. 551.3. And the contrast with the immediately following subsection on minor marriage is unmistakable: there the officer "should request" an advisory opinion rather than merely may, and where an underage petitioner cannot submit the required affidavit of support the officer "should refuse" the visa application on public charge grounds.

The Gap Stated Precisely

Assembling the elements, the architecture is as follows.

- A first-cousin marriage contracted in a country where it is lawful, which is most of the world, including nearly all of Europe, Canada, Australia, and most of Asia and Africa, is valid at the place of celebration.
- It is therefore valid for United States immigration purposes unless the public policy exception applies.
- That exception is confined by the agency's own manual to marriages violating the criminal law of the state of residence, approximately nine states.
- The couple's state of intended residence is, in the first instance, a matter of their own declaration, and no authority in the Board's decisions, the Policy Manual, or the Foreign Affairs Manual addresses how that declaration is tested.
- Consular officers are directed to seek an advisory opinion at their discretion, against a departmental illustration in which such a marriage was upheld.

The result is an asymmetry that is difficult to defend on any theory. A United States citizen resident in Kansas cannot marry a first cousin in Kansas. That citizen may marry the same cousin in Colorado and, on the authority of the Kansas Supreme Court's own decision in *Loughmiller*, return to Kansas with a valid marriage. Or the citizen may marry that cousin abroad and petition for the cousin's admission as an immediate relative, not numerically limited, with no meaningful recognition barrier. The prohibition binds only the citizen who stays home and marries locally.

Whatever purpose the state prohibition was intended to serve, that purpose is not served by a rule with this shape. The prohibition operates as a restriction on where a marriage is celebrated rather than on whether it exists, and its practical burden falls on those without the means to travel.

The Scale of the Channel

The following figures establish the size of the channel, not the volume of consanguineous marriage passing through it. No inference of the latter from the former is available, and none is drawn.

Table 17. Spousal Immigrant Visas Issued Abroad, FY2024, Selected Countries of Birth

Country of Birth	IR-1 (marriage $\geq$ 2 years)	CR-1 (marriage < 2 years)	IR-1 : CR-1 Ratio
Pakistan	3,306	193	17.1 : 1
India	2,261	2,653	0.85 : 1
Yemen	1,743	45	38.7 : 1
Bangladesh	1,742	85	20.5 : 1
Jordan	781	713	1.1 : 1
Egypt	746	74	10.1 : 1
Morocco	679	542	1.3 : 1
Iraq	670	70	9.6 : 1
Afghanistan	532	217	2.5 : 1
Sudan	421	30	14.0 : 1
Somalia	379	24	15.8 : 1
Saudi Arabia	220	71	3.1 : 1
Turkey	190	157	1.2 : 1
Worldwide total	77,523	20,067	3.9 : 1

Source: Department of State, Report of the Visa Office FY2024, Table VIII. These are visas issued abroad and exclude adjustment of status within the United States, so they understate total spousal immigration. For scale, the DHS Yearbook of Immigration Statistics records 276,080 immediate-relative spouses of United States citizens obtaining lawful permanent residence in FY2023, against 304,330 in FY2019, with family-sponsored preference admissions of 204,240 in FY2023 of which 116,560 were second-preference.

What This Argument Does Not Establish

Amnesty Freedom states the limits of the foregoing plainly, because a document that overstates them will be dismissed on the first rebuttal.

The gap is a matter of legal architecture and is demonstrable from the primary sources. What is not demonstrable is any claim about volume. There is no United States data on consanguinity prevalence in immigrant communities; no marriage registry records the variable; and no official statistic anywhere records the cousin share of forced marriages. Any number purporting to quantify the flow through this channel is an extrapolation.

Nor does the evidence support the proposition that the practice is spreading within receiving countries. It supports importation followed by rapid generational decline. In Bradford, first-cousin marriage among Pakistani-heritage mothers fell from 39.3 to 27.0 percent across a nine-year interval between birth cohorts, and total consanguinity from 62.4 to 46.3 percent. In Norway the corresponding fall among Norway-born mothers of Pakistani origin was from 48.3 to 18.8 percent in a single decade. Both declines occurred while first-cousin marriage was entirely lawful in both countries. Pakistan itself remained flat at roughly 60 percent across the same period.

The honest formulation is therefore this. The United States operates a recognition rule that does not implement the policy its prohibiting states have adopted, and it has no idea what volume passes through the resulting gap because it has never measured it. Those are two separate failures. The first is a defect of legal design. The second is a defect of evidence, and it is the more urgent of the two, because no proportionate policy can be built without it.

PART NINE: HOW OTHER STATES HAVE ADDRESSED THE SAME GAP

Comparative Practice, 2002–2026

Four European jurisdictions have confronted the identical structural problem. Their solutions differ instructively, and the common summary, that Europe refuses what the United States accepts, is wrong. Most European non-recognition doctrine targets consent and age, not consanguinity.

Sweden: non-recognition of the foreign marriage itself.

Sweden has gone furthest, and its provisions are now in force. Chapter 2, section 3 of the Marriage Code, as amended by Lag (2026:947), bars marriage where "one of them has a parent who is a sibling of one of the other's parents", the first-cousin prohibition. Chapter 1, section 8a of the 1904 international marriage law, as amended by Lag (2026:952) and effective in July 2026, refuses recognition to a marriage contracted under foreign law where the parties are related in any of the ways specified in Chapter 2, section 3.

The structurally decisive feature is what that provision omits. The same section's third limb, concerning proxy marriages, expressly requires that at least one party was a Swedish citizen or domiciled in Sweden. The consanguinity limb contains no such requirement. Sweden therefore refuses recognition to a cousin marriage between two foreign nationals with no prior Swedish connection whatever. That is the exact structural opposite of the United States place-of-celebration rule. The only softening is a provision allowing certain limited legal effects on exceptional grounds where both parties are over 18. The reform is not retroactive.

Denmark: a presumption of non-voluntariness.

Denmark reaches a comparable practical result by an entirely different route, and does so through immigration law rather than family law. Section 9 of the Aliens Act provides that a residence permit cannot be granted where it must be considered doubtful whether the marriage was entered into at both parties' own wish, unless quite exceptional reasons including family unity decisively argue otherwise. It then provides that where the marriage was contracted between closely related persons, it is deemed doubtful whether it was entered into at both parties' own wish, unless special reasons argue against that conclusion.

This is a rebuttable statutory presumption that a marriage between close relatives is not voluntary, operating as a bar to family reunification. It sits alongside the 24-year rule, which requires both spouses to be over 24, and an attachment requirement. It is the sharpest contrast in this investigative report with the United States position, where consanguinity is not a ground of suspicion at any stage of the process.

The Netherlands: the instructive counter-example.

Article 10:32 of the Dutch Civil Code refuses recognition to a marriage contracted outside the Netherlands where recognition would be manifestly incompatible with public order, enumerating: a prior valid marriage or registered partnership; relationship in the direct line or between brother and

sister; a party under 18 at the time of marriage; lack of mental capacity to consent; and absence of free consent.

Cousins are deliberately not on that list. The Netherlands therefore operates a robust public-order non-recognition rule that catches foreign forced marriage and foreign child marriage but does not catch foreign cousin marriage. Germany is similar: section 1307 of the Civil Code bars only the direct line and full or half siblings, and cousin marriage is lawful. Any claim that European public-order doctrine is inherently directed against consanguinity is refuted by these two jurisdictions.

The United Kingdom: legislation pending.

First-cousin marriage remains lawful in the United Kingdom. Richard Holden MP introduced the Marriage (Prohibited Degrees of Relationship) Bill under the Ten Minute Rule, with first reading on 15 January 2025; it fell awaiting second reading, the ordinary fate of such vehicles.

The position in 2026 is materially more advanced. Dr. Luke Evans MP has introduced the First Cousins (Prohibited Relationships) Bill as a Ballot Bill in the 2026–27 session, a vehicle with guaranteed debating time and a genuine prospect of passage. It is at second reading in the Commons, last updated 18 June 2026. It is also broader than its predecessor, proposing to prohibit the marriage of first cousins, civil partnerships between first cousins, and sexual activity between first cousins. Whether it reaches marriages contracted abroad is not stated on the face of the bill page and this investigative report does not assert that it does.

The United Kingdom already criminalizes forced marriage under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014, with extraterritorial reach and a maximum of seven years on indictment, and applies a minimum income requirement of £29,000 for spouse visas with both parties required to be 18 or over.

Table 18. Comparative Treatment of Foreign Marriages

Jurisdiction	Foreign cousin marriage	Foreign forced marriage	Foreign child marriage
United States	Recognized (place of celebration); exception only where void and criminal in the state of residence	Addressed via fraud, consent and inadmissibility, not a recognition rule	9 FAM: officer "should refuse" where petitioner is under 18
Sweden (from July 2026)	NOT recognized, with no Swedish-connection requirement	Not recognized where probably contracted under coercion	Not recognized
Denmark	Statutory presumption of non-voluntariness barring family reunification	Barred where voluntariness is doubtful	24-year rule operates as a de facto floor
Netherlands	RECOGNIZED, cousins are not within art. 10:32 BW	Not recognized (absence of free consent)	Not recognized (party under 18)
Germany	Recognized, cousin marriage lawful under § 1307 BGB	Addressed separately	Addressed separately
United Kingdom	Lawful; prohibition bill at second reading, 2026–27 session	Criminal offense, 7 years, extraterritorial	Minimum age 18 for spouse visas

The lesson for United States policy is not that Europe has converged on prohibition. It has not. The lesson is that Sweden and Denmark have each identified the gap between a domestic rule and a

recognition rule and closed it deliberately, by legislation, with the reach of the closure debated openly, while the United States has left the same gap open by inadvertence for a century and a half, through a doctrine no Congress ever enacted.

PART TEN: THE TRAJECTORY

The forensic examination of consanguineous marriage from 1858 to 2026 reveals two trajectories moving in opposite directions.

The practice itself is declining, and declining fastest where it was most firmly established in diaspora communities. Bittles and Black predicted this on structural grounds, urbanization, improved female education, and smaller family sizes leave fewer marriageable cousins and fewer reasons to marry them, and the prediction has held. Bradford fell from 62.4 to 46.3 percent consanguinity across nine years. Norway fell from 48.3 to 18.8 percent among the second generation across ten. Turkey fell from 22 to 18.5 percent. India declined by 16 to 19 percent nationally across two decades. Japan reached 3.9 percent by 1983 and kept falling. In none of these jurisdictions was the decline produced by prohibition, because in none of them was the practice prohibited.

The second trajectory is legislative, and it is moving the other way. Tennessee banned in 2024. Sweden banned, and extended non-recognition to foreign marriages, in 2026. A ballot bill is at second reading in the United Kingdom. Denmark's presumption has stood since the early 2000s. The legislative appetite is increasing precisely as the practice recedes.

These two trajectories create a specific risk, and this investigative report identifies it as the central danger in this policy area. Legislation enacted against a receding practice, in a period of heightened attention to migration, and justified by a genetic argument that the professional body of American genetic counselors does not endorse, is legislation likely to be drafted against a population rather than against a harm. The American precedent is not encouraging: the statutes now in force permit cousin marriage at 55, or 65, or on proof of sterility, and those provisions have outlived by a century the science that was offered for them.

The people who would be protected by a well-designed intervention are specific and identifiable. They are the children who will inherit two copies of a recessive allele in families where one has already died of it. They are the sixteen-year-old girls who make up the largest single age group in the United Kingdom's forced marriage caseload. They are the young women in Bradford and Oslo who are already declining these marriages in large numbers when they have the education and standing to do so. All of them belong to the communities that practice cousin marriage. None of them is served by a measure that treats their community as the object of suspicion, and all of them are served by carrier screening, refuge provision, independent legal advice, and an immigration system that asks about consent.

The gap in United States law is real and should be closed. How it is closed will determine whether the closure protects anyone.

RECOMMENDATIONS TO THE UNITED STATES ADMINISTRATION

The following twelve recommendations follow from the analysis above. They are ordered from the evidentiary to the structural, deliberately: the first three are prerequisites, and recommendations that skip them will be built on the vacuum documented in Part One.

1. Establish the evidence base before legislating.

The United States has no measurement of consanguinity prevalence in any community within its borders. We recommend that the Centers for Disease Control and Prevention, through the National Center for Health Statistics, add a parental consanguinity variable to the standard birth certificate revision, as Norway has recorded for six decades. Until this exists, every American figure in this policy area is an extrapolation from foreign data, and no proportionate policy can be designed.

2. Record the relationship between parties in forced marriage cases.

Neither the United Kingdom Forced Marriage Unit nor any United States agency records whether the parties to a forced marriage were related. The overlap between cousin marriage and forced marriage is therefore asserted in both directions and established in neither. We recommend that the Department of State and the Department of Justice collect and publish this variable.

3. Resolve the doctrinal question directly rather than by silence.

No published Board of Immigration Appeals decision addresses a first-cousin marriage celebrated abroad. We recommend that USCIS issue policy guidance stating expressly how the public policy exception applies to foreign-celebrated consanguineous marriages, how a stated intended state of residence is tested, and whether the criminal-law limitation in footnote 4 of Volume 12, Part G, Chapter 2 is intended to control. A rule of this consequence should not rest on an unlitigated inference.

4. Align the recognition rule with the policy the states have actually adopted.

Where a state has prohibited first-cousin marriage, federal recognition of such a marriage for the purpose of establishing residence in that state defeats the state's policy. We recommend that Congress, rather than the agencies, determine whether federal immigration law should defer to state marriage prohibitions, and legislate accordingly. Congress has never addressed this question; the present rule is administrative and judicial in origin.

5. Apply the consent test that already exists.

Denmark's approach is the most transferable element of comparative practice. It does not prohibit consanguineous marriage; it places the burden of demonstrating voluntariness on the parties where the marriage is between close relatives. The United States already refuses recognition on consent grounds in principle. We recommend that consular officers be directed to conduct a substantive consent inquiry, separately from the marriage-validity inquiry, in spousal petitions where indicators of coercion are present, with the indicators defined by conduct, not by nationality.

6. Close the minor-marriage channel completely.

The Foreign Affairs Manual already directs consular officers to seek an advisory opinion where a party is underage, and to refuse on public charge grounds where an underage petitioner cannot submit the required affidavit of support. That is an indirect mechanism operating through a financial provision. We recommend it be replaced by a direct one: Congress should establish 18 as the minimum age for any party to a marriage-based immigration benefit, petitioner or beneficiary, without exception. Thirty-three states still permit marriage under 18. The federal government need not adopt the lowest available standard.

7. Repeal the sterility and age conditions in state law.

Arizona, Illinois, Indiana, Utah, and Wisconsin permit first-cousin marriage only where the parties are past reproductive age or can prove sterility. These provisions regulate reproduction rather than marriage and are indefensible. We recommend that the Department of Justice Civil Rights Division examine their constitutionality, and that states replace them with the Maine model of genetic counseling.

8. Fund carrier screening where the burden actually falls.

The recurrence data are decisive: risk concentrates catastrophically in a minority of families rather than spreading evenly across a community. For first-cousin parents whose previous child died, the risk to the next child is 116 per 1,000. Cascade carrier testing within affected families is a far more precise instrument than any population-wide rule. We recommend federal funding for community-sited genetic counseling and carrier screening in high-prevalence communities, delivered with those communities rather than imposed on them.

9. Resource exit, not prohibition.

Only 16 percent of the 500-plus United States professionals surveyed by the Tahirih Justice Center felt adequately prepared to assist someone facing forced marriage. We recommend dedicated federal funding for refuge provision, independent legal advice, and trained response capacity for young people facing forced marriage, together with a national protection order mechanism comparable to the United Kingdom's Forced Marriage Protection Orders.

10. Invest in the intervention with the strongest evidence behind it.

The steepest declines in consanguinity anywhere in the world occurred among second-generation women with post-compulsory education, in countries where the practice was entirely lawful. Female educational attainment is the only variable in this literature with a demonstrated large effect on prevalence. We recommend that it be treated as the primary instrument rather than as a secondary consideration.

11. Draft against conduct, never against communities.

Any measure adopted in this area must be facially neutral and must apply to the practice wherever it occurs, including to United States citizens marrying cousins in permissive states. A rule that reaches foreign marriages while leaving domestic ones untouched is not a public health measure; it is an

immigration measure wearing a public health justification, and it will be recognized as such. The Norwegian finding that non-consanguineous Pakistani-origin families carried no excess risk whatever is the empirical answer to any framing based on national origin.

12. Appoint an interagency coordinator with a defined reporting obligation.

Responsibility for this question is currently divided among USCIS, the Department of State, the Centers for Disease Control and Prevention, the Department of Justice, and fifty state legislatures, with no body holding the whole of it. We recommend the appointment of an interagency coordinator for marriage-based immigration integrity, reporting annually to Congress on consent, age, and marriage validity in spousal petitions, with published data.

These twelve recommendations constitute a framework that addresses the documented harms, coerced consent, underage marriage, and preventable recessive disease, without adopting the instrument that nineteenth-century America reached for and that its statute books still carry. The distinction is not rhetorical. A measure justified by genetics and drafted against a population will not withstand scrutiny, will not survive litigation, and will not protect the children and young women in whose name it is proposed.

METHODOLOGY AND LIMITATIONS

This investigative report was compiled from primary sources: peer-reviewed literature indexed in the National Library of Medicine, statutory texts obtained from official and authoritative compilations, Board of Immigration Appeals decisions retrieved from the Executive Office for Immigration Review Virtual Law Library, the USCIS Policy Manual, the Department of State Foreign Affairs Manual and Report of the Visa Office, the DHS Yearbook of Immigration Statistics, the United Kingdom Parliament bills register and Forced Marriage Unit statistical releases, and the Swedish, Danish, Dutch and German statutory codes.

Amnesty Freedom applies the following standards to documents of this kind, and records where they constrained the analysis.

- **Attribution.** Every statistic is attributed to a named study or statutory provision. Where a figure could not be verified at source, it has been omitted rather than repeated.
- **Measure discipline.** Consanguineous unions (second cousins or closer, $F \geq 0.0156$) and first-cousin unions ($F = 0.0625$) are reported separately throughout and never interchanged. Population-share figures such as the global 10.4 percent are never presented as marriage rates.
- **Conflicts preserved.** Where studies conflict, as the Israeli Arab trend data do, and as the two estimates of India's decline do, both are reported and neither is presented as settled.
- **Null results reported.** Null and contrary findings are reported alongside positive ones. This includes the absence of any homozygosity effect on cardio-metabolic traits, the absence of an adjusted association between consanguinity and autism, the absence of excess risk in non-consanguineous Pakistani-origin families, and the protective factors documented in the Bradford cohort.

Specific limitations of this edition.

- No United States prevalence data exist for any immigrant community. This is the largest gap in the investigative report and it is not remediable by further research; it requires new collection.
- No official statistic anywhere records the proportion of forced marriages involving cousins. Claims about that overlap, in either direction, are unsupported.
- Norway's marriage law now prohibits cousin marriage, but the commencement date and the treatment of marriages contracted abroad could not be verified against the official statutory database within the research period. Norway is accordingly excluded from the comparative table, and readers should verify its position independently before relying on it.
- The count of United States prohibiting states is reported as approximately 25 because published compilations disagree on whether conditional states count as prohibiting. The category counts in Table 12 reconcile to 50; the individual state statutes verified directly are those cited in Tables 13, 14 and 15.
- The text of Restatement (Second) of Conflict of Laws §§ 283 and 284 could not be obtained from a free source, and is therefore neither quoted nor paraphrased. The conflict-of-laws analysis rests on state statutes and decided cases instead.

- A 2019 Senate committee report on approved immigration petitions involving minors is frequently cited in this policy area. It could not be retrieved during the research period and no figure from it is reproduced here.
- A 2025 review article in Health Care Analysis addressing consanguinity law and public health was located but is not relied upon, as it materially misstates the Born in Bradford findings and misdates the 2024 United Kingdom bill.

DISCLAIMER OF TECHNICAL ASSISTANCE

This investigative report was compiled using a combination of primary source research and secondary data aggregation from peer-reviewed literature, official statutory databases, and government statistical publications. To ensure the highest standards of linguistic precision and analytical consistency, artificial intelligence tools were used in the drafting, structuring, and verification of this document. All substantive findings, statistical claims, and policy positions were reviewed against their primary sources. Where a source could not be verified, the claim has been omitted and the omission recorded in the Methodology section above.

Nothing in this investigative report constitutes legal advice. Readers requiring advice on the validity or recognition of a particular marriage, or on any immigration petition, should consult a qualified attorney in the relevant jurisdiction. Statutory provisions and immigration policy in this area are subject to change, and several of the provisions described took effect within the twelve months preceding publication.

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