

House of Commons: Written Statement (HCWS17)

Home Office

Written Statement made by: **The Minister of State for Immigration and Security (James Brokenshire)** on 24 Nov 2014.

Immigration Act 2014: Marriage and Civil Partnership

I am pleased to inform the House that, subject to Parliamentary approval of the necessary secondary legislation, I plan to implement important new provisions under Part 4 of the Immigration Act 2014 to tackle sham marriages and civil partnerships on Monday 2 March 2015.

Part 4 of the Act will give us a much stronger platform for effective, systematic action to disrupt and deter sham marriages and civil partnerships and prevent them gaining an immigration advantage.

It will extend the marriage and civil partnership notice period from 15 days to 28 days for all couples in England and Wales marrying following civil preliminaries or forming a civil partnership.

Couples involving a non-European Economic Area (non-EEA) national who wish to marry in the Church of England or the Church in Wales will be required to complete civil preliminaries and give notice at a register office.

From 2 March 2015 I also plan to implement under Part 4 of the Act a new referral and investigation scheme for proposed marriages and civil partnerships across the UK involving a non-EEA national who could benefit in immigration terms. All proposed marriages and civil partnerships involving a non-EEA national with limited or no immigration status in the UK, or who does not provide specified evidence that they are exempt from the scheme, will be referred to the Home Office. Where we have reasonable grounds to suspect a sham, we will be able to extend the notice period in these referred cases to 70 days in order to investigate and take appropriate enforcement or casework action where we establish a sham. A couple will be unable to get married or enter into a civil partnership on the basis of that notice if they do not comply with an investigation under the scheme.

By extending the notice period and channelling to the Home Office all proposed marriages and civil partnerships which could bring an immigration benefit, the new system will give us much more time and information to identify and act against sham marriages and civil partnerships before they happen and, where they do go ahead, we will have the evidence we need on file to be able to refuse any subsequent immigration application in terms which will withstand appeal.

The referral and investigation scheme will be extended to Scotland and to Northern Ireland from 2 March 2015, subject to Parliamentary approval of the necessary secondary legislation.

Those who give notice of marriage or civil partnership before 2 March 2015 will not be affected by the changes.

Transitional arrangements will apply for couples where at least one party is resident overseas, who have made arrangements before 2 March 2015 for a marriage or civil partnership in England and Wales and who intend to give notice and get married or form a civil partnership in one visit on or after that date. Couples in this situation will be able to apply, at the time of giving their notice of marriage or civil partnership to the registration official, to have the notice period reduced to 15 days.

Transitional arrangements will also apply for couples involving a non-EEA national who before 2

March 2015 have been granted, or have applied for and are later granted, a common licence to marry in the Anglican Church in England and Wales. Couples in this situation will be able to marry on the basis of that licence and will not be required to complete civil preliminaries before marrying.

Further information about the Immigration Act 2014 can be found on gov.uk at:

<https://www.gov.uk/government/collections/immigration-bill>

Further information about the changes is available on gov.uk at <https://www.gov.uk/marriages-civil-partnerships/giving-notice-at-your-local-register-office>