

Summary on requirements of marriage and suspected numbers of marriage of convenience

The UK is concerned about the use of marriages of convenience (sham marriages) to obtain the right to stay in the UK. The UK NCP requested an update on a previous ad-hoc query and focused study (*Misuse of the right to family reunification, 2010*) to establish what requirements are needed for an EU national marrying a Third Country National and if there are any statistics or estimates held on the number of suspicious marriages. 16 Member States including the UK participated (Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Luxembourg, Netherlands, Poland, Slovak Republic and Sweden).

1. Do couples in your member state have to meet any requirements before they can marry? (e.g. Time delay before marriage, authorisation for marriage) If yes, please provide details.

- a) All member states have a minimum age requirement. There must be no blood ties (no family relation) and no legal impediments (i.e. not currently married) before they can marry. The majority of Member States require that those wishing to marry must register in the area that they live in and inform the registrar in advance of their intention to marry – usually between 1 week to a month (BE, NL, UK, FI, FR, SL, LU, LT, HU, DE, EE, BG and PO). The registrar or official will usually issue a certificate of intention to marry. Cyprus does not require a certificate for a religious marriage.
- b) The following table shows the different requirements needed if marriage involves a third country national.

Member State	Conditions for TCN's
Belgium	Requires that one of the partners must be of Belgian nationality or have their place of residency in Belgium. If TCN is staying illegally in Belgium, the registrar informs the immigration office – but this doesn't automatically mean they cannot marry.
Netherlands, Germany	If the TCN does not have permanent residence, the <i>Prevention of Marriages of Convenience Act</i> states that they must provide the relevant official documents and the immigration police are entitled to enquire about the personal situation of the couple.
Finland, Estonia,	TCN's need non-marriage certificate validated from their country of origin.
Cyprus Latvia	TCN's need non-marriage certificate validated from their country of origin and residence permit.
France, Bulgaria	The same requirements stand for TCN and nationals.
Hungary, Poland	TCN has to provide identity documents, birth certificate issued abroad, proof of marital status and certificate of place of residence.

Italy	Since August 2009, a TCN must show that their main residence is in Italy and hold a residence permit otherwise the registrar cannot officiate the marriage.
Luxembourg	Both parties must give official documents as well as a prenuptial medical certificate and residence certificates
Slovak Republic	One of the party must have permanent residence in Slovak Republic. Ceremony is in Slovak language and thus an interpreter is needed if one of the party does not speak Slovak.
Sweden	The Swedish Tax agency provides documentation proving no legal impediments to marriage. This is the same for all nationalities.
UK	Both parties must go to their local registrar to give notice. They must also provide evidence of their nationality, address, occupation and intended venue for ceremony.

2. What evidence of identity, nationality and immigration status do couples have to provide as evidence before they can marry?

Nearly all Member States state that it is compulsory for people wishing to get married to provide proof of identity (passport, birth certificate etc), proof of nationality and proof of registration in the population register or equivalent (BE, CY, DE, FR HU, IT, PO, LU, NT, SK, UK). In Finland, right of residence will not affect the right to marriage. Those that have been married previously must also show documentation of divorce papers. The Netherlands and the UK also require intended venue for the ceremony to be declared.

If evidence is not provided or is not sufficient:

The table below outlines the steps taken if evidence is not provided or is not sufficient.

Request additional evidence	Provide evidence to immigration officials	Refuse to record declaration to marry
Belgium, Luxembourg, Estonia	Germany, Luxembourg	Belgium, Cyprus, Finland, France, Germany, Hungary, Italy, Netherlands, Latvia, Poland and the UK

3. What happens if the person conducting the marriage, or the immigration authorities, suspect a marriage is not genuine?

a) Before the marriage takes place:

The registrar and immigration officials play a key preventative role in fighting marriage of convenience.

Before Marriage Ceremony	Countries
Delay the marriage	Belgium (2 months max), France

Refuse for marriage to be conducted	Belgium, Cyprus, Germany, Netherlands
Registrars/priests pass on information to and immigration authorities:	Belgium, Germany, Netherlands, Latvia, UK, France (refer to public prosecutor), Slovak Republic, Poland Estonia
May conduct an investigation if required	Cyprus, UK, France, Estonia
Action can only be taken AFTER the marriage has been conducted	Hungary, Luxembourg, Italy, Slovak Republic, Sweden, Finland, Bulgaria

In Hungary, Luxemburg, Italy, Finland and Slovak Republic; the registrar's role is to verify the legal conditions of the marriage rather than make a judgement of whether the marriage is genuine. It is only once the marriage has taken place that the immigration officials can establish if it's a false marriage once applications for residence permits have been submitted.

b) During or after the marriage ceremony

The table below outlines the steps taken after the marriage ceremony if it is perceived to be a marriage of convenience.

During/After Marriage Ceremony	Countries
Report to relevant officials	Belgium, Cyprus (advisory committee), Hungary, Latvia, Netherlands, Slovak Republic, UK, France
Annulment of marriage	Belgium, France
Imprisonment and Fine	Belgium, Germany, Hungary, Netherlands, UK, Luxembourg, Latvia
Withdrawal of resident permit	Belgium, Luxemburg (and leave the country), Slovak Republic, Germany, Netherlands, Sweden, Latvia, Estonia

In Italy, those who organise or facilitate marriages of convenience are also liable to be penalised.

4. Are statistics or estimates held on the number of suspicious marriages?

6 Member States (BE, BG, CY, EE, FI and UK) provided some figures on the number of suspicious marriages between nationals and TCN's. Estimates on suspicious marriages in 2012 were: Bulgaria (3), Cyprus (20), Estonia (38) and the UK (1,891). Belgium declared 10% of marriages in 2012 as suspected marriages of convenience. Finland reported 100-200 marriages of convenience per year.

5. Are statistics or estimates held on the number of immigration applications based on marriages which are later found not to be genuine? If Yes – please provide:

2 Member States Finland and Poland provided statistics. In 2012, Finland had 66 negative decisions mostly on the likely grounds of a suspected marriage of convenience. The number of marriages of convenience is, therefore, considered to be relatively low in Finland. For Poland, the figures were: 163 in 2009, 170 (2010), 128 (2011) 80 (2012) and 37 (2013).