



## **Ad-Hoc Query on requirements of marriage and suspected numbers of marriage of convenience**

**Requested by UK EMN NCP on 12<sup>th</sup> July 2013**

**Compilation produced on 27<sup>th</sup> August 2013**

**Responses from [Belgium](#), [Bulgaria](#), [Cyprus](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Italy](#), [Latvia](#), [Luxembourg](#), [Netherlands](#), [Poland](#), [Slovak Republic](#), [Sweden](#), [United Kingdom](#) (16 in Total)**

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### **1. Background Information**

The UK is concerned about the use of marriages of convenience (sham marriages) to obtain the right to stay in the UK. These marriages can involve abuse of UK immigration law (third country nationals [TCNs] marrying British citizens and the Free Movement Directive (TCNs marrying EEA nationals exercising treaty rights). For the UK, marriage is also taken to include civil partnerships for same-sex couples. For other member states, please include legally-recognised same-sex partnerships or marriages in your answers.

We are aware that some Member States have already provided material in the EMN report on *Misuse of the Right to Family Reunification (June 2012)*, and an earlier ad-hoc query on marriages of convenience (June 2011) and have therefore included responses in case nothing has changed for questions 1 and 2. If anything has changed on questions 1 and 2, please include details. We are also interested if there are statistics or estimates held on the number of suspicious marriages since the EMN report on *Misuse of the Right to Family Reunification* was conducted.

We would very much appreciate your responses by **12<sup>th</sup> August 2013**.

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## 2. Responses<sup>1</sup>

		Wider Dissemination? <sup>2</sup>	<p><b>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.</b></p> <ul style="list-style-type: none"> <li>a) Is this is same for religious marriages and civil marriages?</li> <li>b) Requirements that only apply to marriages involving a third country nationals (TCN's)</li> </ul> <p><b>2. What evidence of identity, nationality and immigration status do couples have to provide as evidence before they can marry?</b></p> <ul style="list-style-type: none"> <li>a) Is it compulsory to provide evidence?</li> <li>b) What happens if evidence is not provided?</li> <li>c) Is different evidence needed if a TCN is involved?</li> </ul> <p><b>3. What happens if the person conducting the marriage, or the immigration authorities, suspect a marriage is not genuine?</b></p> <ul style="list-style-type: none"> <li>a) Before the marriage takes place</li> <li>b) During or after the marriage ceremony</li> </ul> <p><b>4. Are statistics or estimates held on the number of suspicious marriages</b></p> <p><b>If available, please provide a breakdown of the number of suspicious marriages where:</b></p> <ul style="list-style-type: none"> <li>i) one spouse was one of your own citizens and the other was a non-EEA national;</li> <li>ii) one spouse was a mobile EEA national and the other was a non-EEA national; and</li> </ul>
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<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>iii) both spouses were non-EEA nationals, for the last five years.</p> <p><b>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:</b></p> <p>a) Figures for last five years on applications based on marriage of convenience</p> <p>b) total number of immigration applications based on marriage for the last five years.</p> <p>c) number of applications where i) the sponsor was one of your own citizens ii) the sponsor was a mobile EEA national.</p>
	<b>Austria</b>	<b>Yes</b>	
	<b>Belgium</b>	<b>Yes</b>	<p>1. Yes couples have to meet <u>both formal and substantive requirements</u> to marry in Belgium.</p> <ul style="list-style-type: none"> <li>▪ As to substance, requirements include the <u>age requirement</u> (minimum 18 years old), the <u>marital status</u> (single status, prohibition of bigamy) and <u>consent</u> of both spouses, <u>no blood ties</u> (no family relationship) etc. Each spouse must comply with the requirements laid down in his/her national law (except when those requirements contravene relationship and public order related requirements).</li> <li>▪ As to the form, requirements relate to formalities including <u>documents</u> to be produced and a <u>declaration</u> to be made prior to marriage. The future spouses who wish to marry in Belgium must make a declaration of marriage to the registrar of the municipality where, at the moment of making such declaration, one of the future spouses is registered in the population register, in the aliens register or in the “waiting list”. To this end, future spouses must provide required documents including: officially accredited certificate of birth (an ordinary copy is insufficient), proof of identity (ID, passport), proof of nationality, proof of celibacy, proof of registration in the population register, aliens register or waiting list and proof of residence. The registrar assesses whether documents produced are sufficient. If so, the notice of intended marriage can be signed by the registrar and future spouses (at least one of them, provided that he/she is in possession of a legalized certificate of authority, signed by the other partner) and the marriage can be celebrated <u>at least 14 days and at the latest six months after the declaration</u>. If not the registrar can decide to refuse to file the notice of intended marriage and concerned parties can appeal against such refusal.</li> </ul> <p>a) Article 21 of the Constitution provides that “the <u>civil marriage must always precede</u> a nuptial blessing except in cases provided by the law if applicable”. Since, according to the law, it is not possible to contract a religious marriage before a civil marriage, spouses are required to produce a <u>civil marriage/status certificate</u> before the ceremony. Apart from this,</p>

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			<p>different types of religious marriages involve specific requirements. For example a baptismal certificate has to be produced for a catholic but not a protestant marriage. Please note in this framework that, while same sex civil marriages are allowed in Belgium, same sex catholic or protestant marriages are not possible</p> <p>b) Please note that marriages in Belgium, in which one or both spouses is/are a TCN, are possible if: I) <u>at least one of the partners has the Belgian nationality</u>, even if he/she has no place of residence in Belgium; II) <u>at least one of the partners has his/her place of residence in Belgium</u>; III) <u>at least one of the partners has his/her official address since at least three months in Belgium</u>. Under these preconditions it is also possible for people without legal stay to marry in Belgium. In case a person illegally staying in Belgium has notified his/her intention to marry to the registrar, the latter is legally obliged to inform the Immigration Office. The Immigration Office provides the registrar within 30 days with the necessary information (marriages in foreign countries, already refused marriages in Belgium, legal cohabitations with third persons, etc.).</p> <p>2.</p> <p>a) As stated under 1.a, it is compulsory in order to file a declaration of marriage to provide inter alia a proof of identity, proof of nationality and proof of registration in the population register, aliens register or waiting list.</p> <p>b) The registrar who receives the notice of intended marriage assesses the documents produced. If documents are not deemed sufficient, the registrar can request <u>additional evidence</u> or <u>refuse to record the declaration</u> of marriage. As stated above under 1, the concerned parties can appeal against such refusal.</p> <p>c) If a TCN produces documents established in a <u>foreign language</u>, he/she may be requested to provide a <u>certified translation</u>.</p> <p>3.</p> <p>a). Before / During marriage ceremony: The registrar and the Immigration Office play a key preventive role in fighting marriages of convenience, mainly based on the following provisions:</p> <p>Pursuant to Article 167 of the Civil Code, the <u>civil registrar is entitled to delay (for maximum two months) or refuse the celebration of marriage</u> when it appears that the conditions prescribed for marriage are not fulfilled or when he/she believes that the celebration is contrary to the public order.</p> <p>Pursuant to a Circular from 13 September 2005, <u>information exchanges take place</u> between civil registrars and immigration authorities (1) before the marriage, namely on the day of the declaration of marriage (involving an alien residing on the territory without any document certifying the legality of his/her stay) as well as (2) immediately upon refusal of celebration of marriage. The Immigration Office provides the civil registrar with any useful information (marriage abroad, refused marriage, legal cohabitation with someone else, etc.) within 30 days</p> <p>a) b) After marriage ceremony: Different actions can be taken at different levels:</p>
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Civil matters: Pursuant to Article 184 of the Civil Code, a procedure of annulment of marriage is foreseen in case of marriages contracted in violation of Article 146bis (marriage of convenience).

Penal matters: Based on Article 79 bis of the Law of 15 December 1980, the person who contracts a marriage of convenience (based on Article 146bis) is subject to imprisonment ranging from 8 days to 3 months and with a fine ranging from 26 to 100 Euros.

Immigration: Based on the Law of 8 July 2011, the right to enter or reside in Belgium can be refused or withdrawn during the three first years following the granting of a residence permit, if the spouses or registered partners don't (longer) experience an effective marital or family life and as a rule, if they used false or fraudulent information or documents or engaged in fraud or other illegal means or the marriage or partnerships were contracted solely to allow a person to enter or reside in Belgium.

Nationality: Article 23 foresees the deprivation of nationality when it has been acquired on the basis of false declarations and/or false documents which were key in the granting of nationality. In this regard, the explanatory memorandum of the Law of 27 December 2006 specifically states that "may be deprived from the Belgian nationality, the alien who obtained the Belgian nationality on family reunification grounds based on a marriage later annulled due to fraud".

4. The following statistics provide a very broad picture of potential marriages of convenience, that is to say those marriages involving third country nationals with illegal/precarious residence status who would be likely to gain an advantage of marriage in terms of residence. One should however take into account the fact that, although a priori suspect, such marriages will not all prove to be of convenience.



Source: Activity report 2012 - Immigration Office

Information on the total number of administrative investigations undertaken by the Immigration Office with regard to possible marriages of convenience (to be contracted and already contracted in Belgium) from 2004 to 2012 (Further breakdown not available):


	2004	2005	2006	2007	2008	2009	2010	2011	2012
Mariages prévus	1.343	2.247	5.474	7.775	6.607	6.327	4.964	5.909	4.902
Mariages conclus	1.267	985	877	1.278	2.557	4.087	4.187	4.819	4.162
Total	2.610	3.232	6.351	9.053	9.164	10.414	9.151	10.728	9.064

Please note that the above figures corresponding to "foreseen marriages" ("mariages prévus") represent the number of administrative investigations undertaken by the Immigration Office with regard to potential marriages of convenience foreseen in Belgium. Such investigations were initiated upon information requests from municipalities, police officers or prosecutors. They concerned potential marriages of convenience between Belgians, EU citizens or settled foreigners on the one hand and illegally or precariously staying foreigners on the other hand. In average around 10% of these foreseen marriages will not be concluded because they are refused by the



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			<p>civil registrar because of indications or proofs of being a marriage of convenience. However, most likely among the other 90% of the files a certain but unknown number of them will prove to be a marriage of convenience as well (but so statistics are not available).</p> <p>Please note that figures on “contracted marriages” (“marriages conclus”) refer to administrative investigations initiated by the Immigration Office, with regard to three categories of marriages: (1) marriages contracted in Belgium, (2) marriages contracted abroad in the framework of the registration or transcription of foreign acts of marriage (even before filing an application for a family reunification visa) and (3) marriages contracted abroad including a Belgian partner. These investigations aim to annul the (fraudulent) marriage concluded in Belgium or to prevent the ratification and recognition (in Belgian law) of the fraudulent marriage concluded abroad. The immigration office does not dispose of statistics on the number of annulled marriages.</p> <p>5. No such statistics or estimates are available</p>
	<b>Bulgaria</b>	<b>Yes</b>	<p>1. Only civil matrimony, concluded in the form, provided for by The Family Code shall give rise to the consequences, which the laws connect with matrimony. The religious ceremony shall not have legal bound. All requirements before the marriage are described by the Family Code. There are not different requirements for the TCNs or European Citizens.</p> <p>2. The official responsible for the civil status shall verify the identity of applicants and their documents requested according to the Code. There is not different evidence needed if a TCN is involved,</p> <p>3. The person conducting the marriage has not an obligation for verification of the immigration status of the foreigner.</p> <p>4-5. There are available figures on the refusals to issue a residence permit or extension of stay of a foreigner who is married to BG citizen or a foreigner, or who has been adopted by a BG citizen or a foreigner who has been granted a residence permit if there is an evidence that the marriage was entered into or adoption is made solely for the purpose of evading the norms regulating regime of the Foreigners and receive authorization. The total figures for the period 2008-2012 are respectively – 6, 8,3,5,3.</p> <p>All other details are described in the BG National report for the EMN Focussed study 2012 Misuse of the Right to Family Reunification: marriages of convenience and false declarations of parenthood.</p>
	<b>Cyprus</b>	<b>Yes</b>	<p>1. YES</p> <p><b>1(a)</b> Cypriot citizens have to present an affidavit from the court in order to receive a “non-marriage certificate” by the Migration department, which is a requirement for a civil marriage. For religious marriages there are no requirements for certificates issued by the authorities</p> <p><b>1(b)</b> If the TCN is a permanent resident of Cyprus, he/she has to present an affidavit from the court, a copy of his/her residence permit and a “non-marriage certificate” or divorce papers or death certificate of the ex-spouse, validated from the authorities of his/her country, in order to receive the “non-marriage certificate” by the Migration department. The only exception is those cases where a TCN entered</p>

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			<p>Cyprus with a tourist visa with the sole purpose of getting married.</p> <p>2. (a) Cypriot citizens and European are obligated to present a valid passport or identity document, along with an application for a “non-marriage certificate”. In addition, EU citizens have to present a valid registration certificate.</p> <p>(b) Since the submission of an identity document/passport and, if required, a registration certificate/residence permit, is mandated by law, the Migration department cannot proceed with the issuing of a non-marriage certificate</p> <p>(c) TCNs are obligated to present a valid passport or identity document and a valid residence permit along with an application for a marriage certificate.</p> <p>3. (a) If there is suspicion, before the marriage takes place, that it might be a marriage of convenience, an investigation is conducted to clarify the real reasons motivating the applicants and if there is sufficient evidence that it might be a marriage of convenience, the application is rejected.</p> <p>(b) When there are strong indications that the couple may have married with the sole purpose of contravening national immigration laws, then the case is examined by an Advisory Committee.</p> <p>The Advisory Committee advises the Director of the Civil Registry and Migration Department during the examination, of cases of marriages of convenience. A decision taken by the Director, declaring marriage as a marriage of convenience and prohibiting the remaining of the spouses in the Republic, is subject to a hierarchical appeal before the Minister of Interior and is exercised within 20 days from the day of rendering the decision. The abovementioned decision taken by the Director cannot be executed unless the deadline to exercise the hierarchical appeal has passed. The Minister of Interior issues his decision within 90 days from the day of exercising the hierarchical appeal. In case of filing a hierarchical appeal, the applicant is entitled to remain in the Republic of Cyprus until the issuing of the Minister’s decision. If the hierarchical Appeal is rejected the applicant has the right to file a recourse against the abovementioned decision before the Supreme Court in accordance with Article 146 of the Constitution of the Republic within 75 days.</p> <p>4. YES</p> <p>(i) Marriages of convenience between Cypriot citizens and TCNs: 2008:36, 2009: 22, 2010: 20, 2011: 46, 2012: 20</p> <p>(ii) Marriages of convenience between EEA citizens and TCNs:2008: 9, 2009:26, 2010: 34, 2011:86, 2012: 54</p> <p>(iii) No available data exists</p> <p>There is no available data for any of these categories.</p>
	Czech Republic	Yes	

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	Denmark	Yes	
	Estonia	Yes	<p>1. A. Yes</p> <p>1. B According to clause 1 of § 41 of the Marital Status Operations Act (“<i>Perekonnaseisutoimingute seadus</i>”) a marriage will not be contracted earlier than one month before and no later than three months after the prospective spouses have filed an application for the contraction of marriage to the Vital Statistics Department.</p> <p>In case one of the prospective spouses is the citizen of a foreign country who has not been granted a residence permit in Estonia, marriage cannot be contracted before this prospective spouse has submitted a certificate issued by the corresponding competent state authority of their country of residence, which certifies that, according to the law of the country in question, there are no inhibiting factors to the contraction of marriage. The certificate will expire if the marriage is not contracted within six months after the certificate has been issued. In case a shorter validity period has been noted on the certificate, this date will be relied on. The certificate needs to be valid during the time of the contraction of marriage. The certificate in question needs to be either legalized or certified by an apostil. The certificate needs to be presented together with an Estonian translation certified by a notary, a consular officer or a sworn translator.</p> <p>A person who has been previously married needs to also submit a document certifying the termination or annulling of their marriage (a death certificate or a divorce certificate).</p> <p>2. A third-country national applying for a residence permit to settle with a spouse, presents additionally to the application:</p> <ol style="list-style-type: none"> <li>1) a document proving entering into marriage (only if entry into marriage took place outside of Estonia);</li> <li>2) document proving existence of actual living quarters;</li> <li>3) document proving legal income;</li> <li>4) insurance contract;</li> <li>5) <i>curriculum vitae</i> and a written explanation, from which are evident personal data about family members of the third-country national and his or her spouse, education, living conditions and income;</li> <li>6) spouse presents an invitation of same content. Thus, the burden of proof lies with the spouses.</li> </ol> <p>A third-country national applying for a residence permit to settle with a spouse and his or her sponsor are obliged to prove the circumstances that are important when granting, holding, extending or invalidating the legal basis to live in Estonia. But, in case the data and proof presented by the third-country national and his or her spouse does not allow identification of relevant circumstances, then the administrative authority must initiate itself additional procedural acts to identify relevant circumstances. The administrative authority has the right to question the third-country national, his or her family members and other relevant persons and institutions and enter upon a permission of the third-country national into his or her living quarters and other premises or areas in order to check the circumstances that form the basis of the application for the residence permit. Upon PBGBs request, the third-country national is obliged to present additional or specify data or proof regarding circumstances that</p>





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			<p>are relevant for processing of the application. If the third-country national does not present requested data or proof and the PBGB does not have the possibility to get them itself within reasonable effort or timeframe, then the PBGB may leave the application without review or a procedural act without implementation. In case of processing an application for residence right from a family member of an EU national the principle of trust is taken into consideration. Additional data and documents to those provided in legal acts are requested only in case there is doubt that the person does not comply with the conditions for granting a residence right or exists a ground for refusal.</p> <p>3. Before the marriage takes place. Doubts of a marriage being fictitious have been raised when applying for an initial or prolonging of a temporary residence permit for settling with a spouse. There have been no doubts regarding the fictitiousness of a marriage between EU nationals and their spouses. In order to prevent misuse of the right for family reunification, the Police and Border Guard Board ( PBGB) is cooperating with other authorities (e.g. Ministry of Social Affairs) and NGOs on practical level. Applications for a temporary residence permit and residence right are processed by the PBGB, but in order to discover and prevent further marriages of convenience and misuse of residence permits and rights, the PBGB cooperates with the Ministry of Foreign Affairs, including Estonia's foreign representations, and Security Police Board.</p> <p>Doubt of a marriage of convenience is raised and additional investigation may be initiated in following cases:</p> <ol style="list-style-type: none"> <li>1) a tip about a possible marriage of convenience (e.g. an anonymous tip or if the consulate official accepting the application for a residence permit has reasonable doubt);</li> <li>2) spouses do not have a common spoken language;</li> <li>3) spouses do not know important private information about each other (e.g. date of birth etc.);</li> <li>4) spouses have not previously lived together;</li> <li>5) there is a significant age gap between spouses;</li> <li>6) spouses met each other on a recent holiday trip or via internet;</li> <li>7) spouses do not cohabitate together or the living arrangement is untraditional (e.g. single living quarters are shared between the third-country national, his or her spouse and the latter's previous or ex-spouse);</li> <li>8) when the application is submitted immediately after entering into marriage;</li> <li>9) when the third-country national did not have a legal basis to be in the country or the legal basis was expiring;</li> <li>10) spouses have very different social background;</li> <li>11) when the woman does not take her husband's last name.</li> </ol> <p>In case of doubt that a marriage is fictitious, the PBGB conducts a thorough background check of the third-country national with the aim of finding out, whether there are any circumstances, which would indicate that the persons have entered into a marriage of convenience. Additionally, the PBGB conducts home visits and questions the spouses and other persons. Other</p>
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			<p>persons that a PBGB official may question are third persons like friends, acquaintances, neighbours and work colleagues of the third-country national and his or her spouse. In order to avoid a situation where the applicant and his or her spouse may coordinate their answers prior to the questioning, these interviews are conducted with both persons separately, but on the same day and consecutively. These interviews are conducted by the officials of PBGB, but if needed then persons may be also questioned by consulate officials at accepting the application or by officials of PBGB prefectures when they make house visits.</p> <p>a. During or after the marriage ceremony</p> <p>In case it is detected that a marriage with a third-country national who applied for a temporary residence permit (or its extension) for settling with a spouse is a marriage of convenience the application is refused. Also, in such a case a valid residence permit issued to the third-country national is invalidated. If family member or EU national with whom the third-country national wished to settle or settled has entered into a marriage of convenience, then the administrative authority has the right to refuse or terminate EU national's temporary right of residence as above.</p> <p>The third-country national who has been refused from issuing or prolonging a temporary residence permit to settle with a spouse or whose residence permit to settle with a spouse has been invalidated or whose application has been left without review, has the right, within 10 days after given notice of the above decision, to file an appeal with the administrative court or a challenge to the administrative authority who made the decision. Decision on a challenge may also be disputed in the administrative court within 10 days. EU national's family member who has been refused from issuing or prolonging temporary right of residence or whose right of residence has been terminated or whose application has been left without review has the right to file an appeal with the administrative court or a challenge with the administrative authority who made the decision. A challenge or an appeal may be filed within 30 days as of being notified of the decision.</p> <p>Estonia does not have any practice regarding false declarations of parenthood, same principles would apply regarding the right to appeal as above.</p> <p>In regards with international cooperation, Police and Border Guard Board has signed international cooperation agreements with Finland and Hungary with the aim to share experience in solving migration issues and applications of legal acts</p> <p>There has been no actual research conducted regarding the reasons why either a sponsor or a third-country national engages in a marriage of convenience in order for the third-country national to get a legal basis to stay in the country. Thus, it is difficult to provide these reasons, but in case of sponsors it could be the possibility of earning extra money and helping out an acquaintance. For the third-country national the motivation for entering into such a marriage may be the opportunity to leave his or her country of origin and marriage of convenience is entered into because the third-country national does not</p>
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			qualify to receive a temporary residence permit under any other basis. 4.-5 will be provided later
	<b>Finland</b>	<b>Yes</b>	<p>1. a) Yes. Before the ceremony, those intending to marry must together request an examination of impediments to marriage. The request is presented to the Local Register Office. The impediments to marriage can also be examined by a parish of the Evangelical-Lutheran Church or the Greek Orthodox Church if the engaged persons belong or one of them belongs to the parish. When requesting an examination of impediments to marriage, those intending to marry have to sign an assurance stating that there is no impediment to the intended marriage. When the examiner of the impediments to marriage has established that no impediments exist for the marriage, he shall issue a certificate thereof to those intending to marry. The certificate may not be issued earlier than on the seventh day after the request for an examination of impediments to marriage. The certificate on the examination of impediments to marriage is valid for four months after its issue. b) The requirements are same but the certificates of those intending to marry are from their home countries.</p> <p>2. a) The identity and nationality must be proved by presenting a passport (or a travel document approved by the authorities of the Member State as far as citizens of the Schengen countries are concerned). Right of residence has no effect on the examination of impediments to marriage or on the marriage. b) If the evidence is not provided it is not possible to begin the examination of impediments to marriage/it is not possible to enter into a marriage. c) The identity is checked from everybody intending to marry and entering into a marriage. In practice, the only document proving the identity of a TCN is a valid original passport which must be presented when requesting an examination and when entering into a marriage.</p> <p>3. a) The examiner of the impediments to marriage or the person officiating at a wedding cannot investigate other intentions of those intending to marry – it is not part of his/her duties. b) If there are suspicions on the genuineness of a marriage, the immigration authority may interview orally the couple during the residence permit application process. Personal interviews are an essential method of investigation.</p> <p>4.-5. The statistic is not available. Decisions on the first residence permit applications based on marriage are usually made by the Finnish Immigration Service. The Finnish Immigration Service has estimated the number of negative decisions on residence permits on the grounds of suspected marriages of convenience to be 100-200 per year. The decision is made by the District Police in case a spouse (TCN) of a Finnish citizen has filed the application in Finland. In 2012, the police made 1 774 positive decisions and 66 negative ones (most of them very likely on the grounds of a suspected marriage of convenience) and the number of marriages of convenience is, therefore, considered to be relatively low.</p>
	<b>France</b>	<b>Yes</b>	<p><b>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.</b></p> <p>- In France, the marriage ceremony cannot take place without the joint hearing of the future spouses, unless this is impossible or if it appears after seeing the documents provided, that the hearing is not required. The registrar, if he considers it necessary, asks to discuss</p>


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			<p>separately with one or the other future spouse.</p> <p>- The marriage ceremony can take place 10 days after the publication of banns. In addition, the marriage should be celebrated in the year following the expiry of the period of the 10 days.</p> <p><b>a) Is this is same for religious marriages and civil marriages?</b></p> <p>The only marriage recognized by the state is civil marriage, made by a registrar (the mayor of the town).</p> <p><b>b) Requirements that only apply to marriages involving a third country nationals (TCN's)</b></p> <p>The conditions to be fulfilled for marriage are the same for third-country nationals as they are for French citizens.</p> <p><b>2. What evidence of identity, nationality and immigration status do couples have to provide as evidence before they can marry?</b></p> <p>Before they can marry, each spouse must provide the following documents:</p> <p>- his/her ID;</p> <p>- a certified copy of his/her birth certificate (of less than three months, if the authority delivering the copy is in France, and of less than six months if the authority delivering the copy is abroad).</p> <p><b>a) Is it compulsory to provide evidence?</b></p> <p>Yes.</p> <p><b>b) What happens if evidence is not provided?</b></p> <p>The marriage cannot be celebrated.</p> <p><b>c) Is different evidence needed if a TCN is involved?</b></p> <p>If one of the spouses is a foreign national, he/she must provide specific documentation related to his/her nationality.</p> <p><b>3. What happens if the person conducting the marriage, or the immigration authorities, suspect a marriage is not genuine?</b></p> <p><b>a) Before the marriage takes place</b></p>
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			<p>A specific procedure provided for in Article 175-2 of the Civil Code allows only the registrar to refer to the Public Prosecutor when there are reliable clues which imply, where applicable in view of the hearing of the future spouses, that the marriage envisaged is likely to be a marriage of convenience (Article 180 of the Civil Code). The registrar then advises the spouses. The public prosecutor must advise the persons concerned and, within fifteen days from the submission to the court, either allow the marriage to take place, or object to it, or decide that it will be postponed while awaiting the results of the investigations he has initiated. He informs the registrar and the persons concerned of his reasoned decision. Since the Act of 26 November 2003 the duration of the postponement cannot exceed one month, renewable once by specially reasoned decision. At the end of the postponement, he advises his reasoned decision if he objects to the marriage or allows the marriage to take place.</p> <p>Act n° 2006-1376 of 14 November 2006 relating to the checking of the validity of marriages created a specific objection procedure for marriage of a Frenchman/woman taking place before a foreign authority, inspired by the procedure provided for marriages that take place in France.</p> <p style="text-align: center;"><b>b) During or after the marriage ceremony</b></p> <ul style="list-style-type: none"> <li>• <b>The transcription of a marriage celebrated by a foreign authority</b> When the marriage of a Frenchman/woman is celebrated by a foreign authority, the issuance of a certificate of non-impediment to marriage is required; yet the issuance of such certificate is subordinated to the hearing by the diplomatic or consular authorities of the future spouses. When the marriage is celebrated by a foreign authority, the marriage of a Frenchman/woman must be preceded by the issuance of a certificate of non-impediment to marriage (Article 171-2 of the Civil Code). If not, the marriage transcription is preceded by the hearing of the spouses, together or separately, by the diplomatic or consular authorities to ensure their matrimonial intents. The aim of the hearing is to ensure the reality of intents before issuing a visa for family reasons. When reliable clues imply that the marriage incurs nullity (see Article 171-4 of the Civil Code), consular authorities then advise the county court of Nantes thereof (relevant for marriages celebrated abroad) and postpone the transcription. The public prosecutor's office of Nantes may object to the marriage celebration of a Frenchman/woman abroad, make a decision on the transcription of the foreign marriage certificate on the registers of the French registry and institute proceedings for the annulment of the marriage.</li> <li>• <b>The annulment procedure</b> A marriage for which the lack of matrimonial intent seems established must be subject to an annulment from the county court.</li> <li>• <b>Role of prefectures</b> Prefects above all check the reality of community of life, both at the time of the issuance of the permit and at the time it is renewed, and focus their attention on alerts which imply a fraud. When the fact of their living together seems doubtful, the prefectures may ask the police for “community of life investigations”.</li> </ul> <p><b>4. Are statistics or estimates held on the number of suspicious marriages?</b></p>
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			<p>No.</p> <p><b>5. Are statistics or estimates held on the number of immigration applications based on marriages which are later found not to be genuine?</b></p> <p>No.</p>
	Germany	Yes	<p>In Germany there is the registry office wedding and the church wedding. Only marriages contracted at a registry office are legally valid. For the purposes of marriage at a registry office, German nationals generally require an identity document, documentation confirming their civil status and an official confirmation of their principal place of residence. With regard to the documentation required for marriages to be contracted with third-country nationals, I refer to the corresponding requirements pertaining to the subsequent immigration of spouses as specified in the reply to the “CZ ad hoc query on the verification of legality and genuineness of marriage and validation of paternity”, dated 20 January 2010.</p> <p><b>In the event that the marriage is only intended to take place inside Germany, then the relevant registrar must be provided with the necessary documentation of civil status. Should the registrar harbour any suspicion that it may be the intent of the relevant parties to enter into a sham marriage, then he may likewise question them in person and separately (Section 13 of the German Personal Status Act). The documentation to be produced will routinely also include a certificate of no impedence to enter into a marriage, which may only be dispensed with if a determination to that effect is passed by the regional appeal court (Section 1309 of the German Civil Code). Should it emerge that the marriage in question is a sham marriage, then the residence document in question, having been issued only on the basis of malicious deception or of false information, may be revoked by the German diplomatic representation or aliens' authority that issued it (Section 48 of the Administrative Procedures Act). The deliberately false statements made in order to procure, either for the individual making them or for another, a residence document, constitute an offence punishable with a custodial sentence of up to three years or with a fine (Section 95, para. 2, no. 2 of the Residence Act). Furthermore, this offence also constitutes grounds for expulsion, at the discretion of the relevant aliens' authority (Section 55, para. 2, no. 2 of the Residence Act). (CZ ad hoc query – 2010)</b></p> <p>2. Marriage will only be contracted at a registry office after the registrar has verified that the appurtenant preconditions have been duly met. The registry office is obliged to disclose information to the aliens office in accordance with the obligations to transfer data which apply for all public authorities. Such information may concern breaches of legal provisions which are not of an isolated or minor nature, for example (e.g. the use of forged documents for the purposes of contracting marriage) or (attempted) coercion into marriage, which may lead to discretionary expulsion.</p> <p>3. Anyone submitting or using false or incomplete information in order to obtain a residence title or a suspension of deportation for themselves or for another person or who knowingly uses a document obtained in this way in a fraudulent manner in legal matters (e.g. submission of a fraudulently obtained marriage certificate to attain the subsequent immigration of a spouse) shall be liable to punishment in the form of a fine or up to three years' imprisonment.</p>

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			4. - 5. Statistics or estimates on the number of cases are not available.
	<b>Greece</b>	<b>Yes</b>	
	<b>Hungary</b>	<b>Yes</b>	<p>1. a) Hungary does not recognise the church ceremony in itself, you can only officially get married in Hungary before the registrar.  b) At least 30 days prior the marriage the fiancé(e)s should declare before the registrar that there are no legal obstacles of their marriage by their best knowledge, and they also have to prove with evidence that they fulfil the legal conditions for getting married.  In case either the bride or the fiancé(e) is a foreign national (either an EEA or a third-country national), he/she has to provide the following documents:  - passport and in the case of foreigners living in Hungary a Hungarian identity card or a residence permit;  - a birth certificate issued abroad and its authentic Hungarian translation;  - certificate of the place of permanent residence and its authentic Hungarian translation;  - proof of marital status and its authentic Hungarian translation (the divorce judgment of the foreign national is sent to the relevant department of the ministry responsible for justice by the registrar to receive an official opinion on the document). The metropolitan or the county government offices may grant derogations from submitting such a certificate furthermore one is exempted by the law from having to submit this certificate, if by the personal law of the marrying person such a certificate cannot be issued.</p> <p>2. In Hungary evidence of identity and nationality shall be provided, for which in the case of foreigner passports or in the case of foreigners living in Hungary a passport together with a Hungarian identity card or a residence permit can be used. If evidence is not provided, that is if the identity of the foreigner wishing to get married cannot be verified based on the documents provided, the registrar can refuse carrying out the marriage. Yet the personal documents to be provided are not for verifying the immigrant status of the person to be married therefore the legal status of the foreigner is not verified by the registrar as it is not among the conditions of a valid marriage.</p> <p>3. The registrar's duty is to verify if the legal conditions of marriage are proven according to the documents provided. Therefore it is not the duty of the registrar to verify if there is a genuine relationship between the persons wishing to get married as it is not among the legal conditions of marriage.  Consequently marriages of convenience are usually not revealed by the registrars carrying out the ceremonies, but by the Office of Immigration where based on the marriage concluded the foreign national submits application for a residence document.  As from 1 July 2013 the Hungarian Criminal Code contains a new paragraph on abuse by establishing family relationship ("Person above the age 18, who, for financial gain, establishes a family relationship or takes a full force paternity statement only for the issuance of residence documents, if no more serious crime is realized, such offense can be punished with two years of imprisonment."), if the registrar suspects the attempt of it, he/she can report it to the police. Yet, as such a provision has lately been introduced, we have no information on such situations.</p> <p>4.-5. We have no official statistics on the number of suspicious marriages or marriages which are later found not to be genuine.</p>
	<b>Ireland</b>	<b>Yes</b>	
	<b>Italy</b>	<b>Yes</b>	<p>In Italy two methods for getting married are envisaged: the civil method and the religious wedding with civil effects. Religious weddings whose effects are civilly recognized by the Italian State are those celebrated by a parson who signed an agreement with the Italian State. The currently recognised religious weddings are the ones celebrated by a parson belonging to the following denominations: Catholic Church, Waldensian Church, Christian Seventh-day Adventist Church, Union of Italian Jewish Communities, Assemblies of God in Italy,</p>

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			<p>Christian Evangelical Baptist Union in Italy, Evangelical Lutheran Church in Italy. In accordance with international agreements with the Holy See, Italy also recognizes catholic wedding only valid for religious purposes (canonical wedding). Upon request of both spouses, late transcription of such wedding in the civil state registry can be requested. Since August 2009, after Law 94/2009 came into force, the foreign citizen (non-EU National) may contract civil or religious marriage with civil effects only if regularly staying in Italy; if he/she does not hold permit of stay or any other document testifying the regularity of his/her stay in Italy, the registrar cannot celebrate or transcribe the wedding, the latter being the case of religious wedding with civil effects.</p> <p>The registrar cannot refuse to celebrate the wedding when all formal requirements according to law have been fulfilled, such as the foreigner's regularity of stay and the nihil obstat to marriage released by consular authorities. Therefore, the mere suspicion about the genuineness of a marriage does not authorise the registrar to refuse the celebration.</p> <p>Those who organise or somehow favor marriages of convenience are liable to penal sanction. In particular, who provided illegal entry, also for the purpose of fictitious marriage, is punished with imprisonment from one to five years and with a 15.000 euro fine for each person whose entry has been provided.</p> <p>Who favors the stay on the national territory of a foreigner who is already irregularly present in Italy, also by celebrating a marriage of convenience, is punished with imprisonment up to four years and with a fine up to 15.000 euro. However, in this case, it is necessary to demonstrate that the person acted with the aim of getting an unfair profit. Therefore, those who favor a marriage of convenience for friendship or care are not punished. But, also in such cases, if false documents or perjury have been provided, the person responsible is prosecuted for the perpetration of these specific crimes.</p> <p>No statistics available.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>1. a) According to the Civil Law persons can get married not sooner than 1 month, but not later than 6 months after they submit application in civil registry office, that they want to get married.</p> <p>Regardless where persons want to get married (civil registry office or by minister) application for entering into marriage shall be submitted to the Civil Registry Office.</p> <p>If persons want to get married by minister, the civil registry office, where persons filed the application for entering into marriage, issues a cognition verification about required documents for marriage.</p> <p>If the persons to be married belong to the evangelical lutheran, Roman catholic, orthodox, old believers, methodist, baptist, seventh day adventist, believers in Moses (Judaism) denominations and wish to be married by a minister of their denomination who has the relevant permission from the leaders of the denomination, to marry in accordance with the procedures of the denomination concerned. A minister shall conclude a marriage in accordance with the regulations of his or her denomination.</p> <p>1. b) The Civil Status Documents Registration Law states that, the citizens of the European Union, the countries of the European Economic Area or the Swiss Confederation, a refugee or a person with alternative status who, at the time of the marriage is entitled to reside in the Republic of Latvia may enter into a marriage with a citizen of Latvia, Latvian non-citizen, citizen of the European Union, the countries of the European Economic Area or the Swiss Confederation, a stateless person or a refugee, a person granted subsidiary status and which, at the time of the marriage is entitled to reside in the Republic of Latvia.</p> <p>2. a) b) The person, who wants to get married, should provide an application and show passport or identity card. If the person has been married before, he/she should provide ex-spouse's death certificate or document which certifies that marriage has been</p>



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			<p>annulled. The foreigner should also provide a certificate issued by the competent authority, which states, that he/she doesn't have any obstacles to contract a marriage in Latvia. These documents are compulsory and if they are not provided, its not possible to enter into the marriage.</p> <p>2. c) These rules are the same for TCN.</p> <p>3. a) The Civil Status Documents Registration Law states that Civil Registry Office officials may determine other time of the marriage, which is not less than one month and not more than six months from the date of the application, to make a verification of the documents submitted and presented.</p> <p>The legislation of Latvia doesn't state that, if a registrar (or similar) has suspicions about the genuineness of a marriage, that he/she has to report about it, but in practice officials of the Civil Registry Office report to the State Border Guard and the Office of Citizenship and Migration Affairs about suspicions for further verifications. In its turn churches are not used to collaborate.</p> <p>3. b) According to The Criminal Law Section 285.2 Malicious Provision with Possibility to Acquire the Right to Stay in the Republic of Latvia Legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation.</p> <p>(1) For a person who commits malicious provision with a possibility to acquire the right to stay in the Republic of Latvia legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation, the applicable punishment is deprivation of liberty for a term not exceeding three years or temporary deprivation of liberty, or community service, or a fine.</p> <p>(2) For a person who commits malicious provision with a possibility to acquire the right to stay in the Republic of Latvia legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation, if it has been committed for the purpose of acquiring property or if such a possibility is ensured for two or more persons, or if it has been committed by a group of persons, the applicable punishment is deprivation of liberty for a term not exceeding five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property.</p> <p>If the marriage is not genuine, Office of Citizenship and Migration Affairs rejects application for a residence permit. If a person's application for a residence permit is rejected because of the fact, that the marriage is not genuine, a person has the right to appeal this in the Administrative Court</p> <p>4. – 5. We are not able to provide most of the requested statistics, but we have data on first time issued temporary residence permits due to concluded marriages.</p> <table border="1" data-bbox="607 1150 1303 1441"> <thead> <tr> <th></th> <th>2008</th> <th>2009</th> <th>2010</th> <th>2011</th> <th>2012</th> </tr> </thead> <tbody> <tr> <td>To spouses of Latvian citizens</td> <td>343</td> <td>226</td> <td>324</td> <td>299</td> <td>344</td> </tr> <tr> <td>To spouses of Latvian non-citizens</td> <td>102</td> <td>59</td> <td>49</td> <td>48</td> <td>66</td> </tr> <tr> <td>To spouses of foreigners*</td> <td>13</td> <td>9</td> <td>16</td> <td>20</td> <td>31</td> </tr> <tr> <td><b>Total</b></td> <td><b>458</b></td> <td><b>294</b></td> <td><b>299</b></td> <td><b>367</b></td> <td><b>441</b></td> </tr> </tbody> </table>		2008	2009	2010	2011	2012	To spouses of Latvian citizens	343	226	324	299	344	To spouses of Latvian non-citizens	102	59	49	48	66	To spouses of foreigners*	13	9	16	20	31	<b>Total</b>	<b>458</b>	<b>294</b>	<b>299</b>	<b>367</b>	<b>441</b>
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			*third-country nationals and Union citizens Data provided by the Office of Citizenship and Migration Affairs
	<b>Lithuania</b>	<b>Yes</b>	
	<b>Luxembourg</b>	<b>Yes</b>	<p>1 and 2. In Luxembourg nothing has changed since the ad-hoc query requested by the UK EMN NCP on 6 June 2011 and the First Focused Study on Marriages of Convenience of 2012. Luxemburgish national law does not condition the celebration of the marriage to the regularity of the stay on the territory of the third-country national bride or groom.</p> <p>For getting married in Luxembourg the couple has to fulfill several steps independent from their nationality. Nevertheless, the steps can vary if the contracting parties are nationals or foreigners. Religious marriages can only be celebrated after the civil marriage. It is forbidden to celebrate a religious marriage without having celebrated the civil marriage.</p> <p>To get married in Luxembourg the man has to be at least 18 years old and the woman 16 years old, and one of them has to have his official residence in Luxembourg. In the case of minors the authorization of one of the parents has to be given. The marriage must be celebrated in the Municipality where at least one of the contracting parties is resident.</p> <p>One of the contracting parties has to present himself personally to the official of civil status office to fulfill the requirements for opening the marriage file. He has to present his identification card or passport as well as the one of the other partner. The official will give him the application form and will mention the documents that the couple will have to provide.</p> <p>The documents must be in French, German or English. If they are in any other language they had to be translated in one of the three languages by an official translator. Foreign documents doivent comporter la légalisation de la signature or the apostille (permettant de valider et faire reconnaître un document à l'étranger).</p> <p>All documents must be rendered a month before the date of marriage.</p> <p>Also the couple must submit to a pre-nuptial medical test to obtain a medical certificate that is valid for two months (this pre-nuptial medical test is composed by a blood test and a tuberculin test).</p> <p>The documents that the parties have to produce are:</p> <ul style="list-style-type: none"> <li>• Proof of identity (copy of the passport or the identity card)</li> <li>• Pre-nuptial medical certificate</li> <li>• Full copy of the birth certificate of both parties (with less than three months of issuance if it is Luxembourgish and 6 months if it has been delivered in a foreign country). This document can be replaced by an act of notoriety issued by the judge of peace of the place of birth and which has to be recognized by the District Court (« Tribunal d'Arrondissement) of the place where the marriage will be celebrated.</li> <li>• Residence certificate</li> </ul>

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			<ul style="list-style-type: none"> <li>• Personal civil status certificate with less than 3 months of issuance (for foreigners it has to be issued by the competent authority of the country of origine. However, if this document is not issued because of the legal framework of a specific country a custom certificate (certificat de coutume) will be issued by the Municipality where the foreigner was domiciled or by his embassy).</li> <li>• Other information: Both parties must give the place and date of birth of their parents as well as their domicile and profession. If one or the other is deceased it has to be mentioned. The Luxembourgish national identification number of both parties has to be given; the name and address of the doctor that will issue the prenuptial medical certificate, the number of persons that will assist to the ceremony and the future address of the married couple. (There are special dispositions for German, Portuguese, and Italian citizens)</li> </ul> <p>The couple has to present themselves to the Municipality 2 to 3 weeks before the wedding but after the reception of the prenuptial medical certificate to make the publication for 10 consecutive days in the Municipality of residence of both parties. The marriage must be celebrated 12 months after the last day of the publication of the wedding.</p> <p>2. What happens if a registrar (or similar) has suspicions about the genuineness of a marriage? Is reporting these suspicions compulsory? Can a wedding be put on hold whilst suspicions are investigated?</p> <p>The legislation over marriage does not foresee a specific procedure nor a specific power of the civil servant in case of doubt over the marital will of the contracting parties. The bill No. 5908 which main objective is to fight forced or convenience marriages and unions, gives the civil servant a power to audition the couple when he has a doubt about the marital will to prevent force or convenience marriages. The same bill will give the civil servant the right to contact the Attorney General if it is enough serious elements that will reasonable make presume either that there it is not a marital intention or the absence of free will of one of the contracting parties. For the moment, the Civil Code establishes that the right to make opposition to the celebration of the marriage belongs to a person engaged by the marriage with one of the contracting parties and to certain relatives of the future couple (the father, the mother and in their absence the grandparents even if the contracting parties are of age), and tutors of the contracting parties. The act of opposition has a validity of one year and after that delay is gone it does not have further effect.</p> <p>3. a) In Luxembourg there are not legal provisions for preventing it before the marriage has been celebrated. A bill presented to Parliament (Parliamentary document n° 5908/00) foresees strengthening the powers of the competent authorities to detect and prevent marriages of convenience. (See first focused study 2012).</p> <p>3. b) The law foresees several actions once it has been celebrated. Article 264 of the Criminal Code sanctions the civil registrar officer that does not verify the existence of the parties' consent. From the administrative perspective, article 75 of the Law of 29 August 2008 foresees in case of verification of a marriage of convenience the annulment of the residence permit of the third country national. In accordance with article 111 s/he is compelled to leave the country. The bill n° 5908 foresees the creation of specific civil and penal sanctions in cases of marriages of convenience. (See first focused study 2012).</p> <p>4. No.</p> <p>5. No.</p>
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			For more information see: <a href="https://www.emnluxembourg.lu/type-documentation/misuse-right-family-reunification-marriages-convenience-and-false-declarations-pa">https://www.emnluxembourg.lu/type-documentation/misuse-right-family-reunification-marriages-convenience-and-false-declarations-pa</a>
	Malta	Yes	
	Netherlands	Yes	<p>1. In the Netherlands it is a legal requirement for the couple to inform the municipality in advance that they want to get married or want to register a civil partnership (it is called a 'notice of intent to marry') . The municipality verifies whether or not this is allowed. Once the notice period is complete, the couple is authorised to marry or enter a civil partnership.</p> <p>1a. The Netherlands do not treat civil and religious weddings differently, provided the marriage is considered legal by Dutch international civil law.</p> <p>1b. In The Netherlands the <i>Prevention of Marriages of convenience Act</i> applies to marriages between couples of which at least one person is a third country national. The Act obliges to a procedure (the so called M46 procedure) in which the future couple must provide the municipality with information and must prove with official documents (unmarried status declaration, divorce certificate) that there is no legal obstacle for their intended marriage. Furthermore the municipality and the Aliens police are entitled to inquire about the personal situation of the couple. Based on this information the commissioner of the Aliens police determines whether there are indications of a marriage of convenience. If this is the case, the commissioner advises against the marriage, which enables the municipality to refuse to conduct the marriage. The M46-procedure is not needed for third country nationals who are entitled to permanent residence.</p> <p>2. Couples must provide evidence of their name, age, nationality and address. They must give details of their current marital status and the intended venue for the marriage or civil partnership.</p> <p>a. If the couple is born in the Netherlands and has always lived here, then his details are usually registered with the Municipal Personal Records Database (GBA). They will not need to provide any official documents (like a birth certificate). The registry of births, deaths and marriages will arrange this for them.</p> <p>b. If the evidence is not provided, the marriage notice will not be registered by the municipality office.</p> <p>c. If one of the marriage partner is not a Dutch citizen, he/she must provide official foreign documents from his/her country of origin concerning their identity, nationality, age and marital status. Documents from certain countries must be legalised or provided with an apostille stamp.</p> <p>3. The municipality reports suspicions of a marriage of convenience to the commissioner and visa versa. The municipality will make a decision whether to register the marriage notice or not, or to register a marriage in the GBA. If there are serious suspicions the marriage is</p>

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			<p>not genuine, the immigration authorities can decide to refuse a residence permit of the third country national, or to withdraw the residence permit.</p> <p>Organising or being involved in a marriage of convenience can be prosecuted as forgery and can be punished with a maximum fine of € 76.000 or a maximum sentence of four years imprisonment.</p> <p>4. No, there are no statistics available on the number of suspicious marriages.</p> <p>5. No, there are no statistics available.</p>
	<b>Poland</b>	<b>Yes</b>	<p>1. The following conditions must be fulfilled by couples that want to marry: future spouses must be of different sexes, both of them must declare they will of getting married, this declaration must be made in front of the head of the register office, both future spouses must be present at the ceremony.</p> <p>Future spouses must show documents conforming identity (identity card or passport) and provide copies of birth certificates, documents confirming the end of previous marriage, permission for marriage if necessary, written declaration about the lack of obstacles to the marriage, plenipotentiary if the court of justice is allowing marriage by proxy. The court of justice may allow for the marriage if it is impossible to provide all necessary documents. The marriage takes place at least one month after submitting of declaration about the lack of obstacles to the marriage. In case of important circumstances this period can be shorter. The couple must indicate two adult witnesses.</p> <p>a) In case of a religious marriage with civil consequences the couple must be of different sexes, declare in presence of a cleric their will of getting married according to the internal regulations of the religious organization if a ratified international agreement or an act of law regulating relations between the state and the religious organization stipulates the possibility of civil consequences of a religious marriage; declare in presence of a cleric their will of getting married according to the Polish law. The couple must provide the cleric with a certificate about the lack of obstacles to the marriage which is issued by the head of register office proper for the place of usual residence of one of future spouses. Such a certificate is valid for three months. In order to be issued this certificate the couple must provide the same documents that are required for marriage in register office. The third-country national must provide a document certifying legal ability to get married.</p> <p>b) The third-country national willing to get married is obliged to show the passport and a document certifying his/hers legal ability to get married. This document should be issued be a competent organ of the country of origin. The foreigner can be released of this obligation by the court of justice if submission of this document is not possible. In such a case the court of justice is deciding about the foreigner's legal ability to get married.</p> <p>2. To confirm their identity future spouses must show their identity documents (identity card or passport). This documents are necessary for the marriage to take place. If the third-country national does not have an identity document, he/she may be released from this obligation by the court of justice.</p> <p>The third-country nationals are not obliged to provide documents certifying legal residence in Poland.</p> <p>3. The head of the register office or the cleric do not check if the future marriage is genuine or not and they can not reject the declarations about the will of getting married even if they suspect that the marriage may not be genuine.</p> <p>However, according to article 2 of the Act of 12 October 1990 on the Border Guard, public authorities are obliged to cooperate with Polish Border Guard. If an employee of the register office suspects the marriage is not genuine or the marriage is conducted for the</p>

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purpose of abuse of the law by a foreigner, he/she should contact with a competent Polish Border Guard Unit which takes actions if needed.

Furthermore, according to Polish law the authority conducting the proceeding on granting permission for residence to a foreigner being a spouse of a Polish citizen or being a spouse of a foreigner staying legally on the territory of the Republic of Poland, ascertains whether the marriage has been conducted as a marriage in convenience, if the circumstances of the case suggest that:

- one of the spouse has accepted material benefit in return for agree to get married;
- the spouses do not fulfill the obligations arriving from the marriage;
- the spouses do not live together;
- the spouses have never met before their marriage;
- the spouses do not speak a language understood for both;
- the spouses are inconsistent their personal data and other significant circumstances concerning them;
- one of the spouses or both of them have married in convenience before.

Such proceeding may be conducted to confirm whether the marriage has been conducted to avoid the expulsion decision.

In such cases the authority conducting the proceedings may seek an assistance of the Border Guard .

For these purposes the Border Guard may (at the request of authorities responsible for legalization of stay of the foreigner) conduct:

- the background interviews;
- activities aiming at confirming of a place of stay of the spouse;
- checking premises.

4. Such statistics are not gathered.




5. Please see table below for available statistics (breakdown by nationality)

CITIZENSHIP	2009	2010	2011	2012	2013	TOTAL
AFGHANISTAN	1					1
ALBANIA				1		1
ALGERIA	4	4	2	5	1	16
ARMENIA	18	33	23	7	2	83
BANGLADESH		2	2		1	5
STATELESS	1					1
BELARUS	6	8	5	5		24
BOLIVIA			1			1
BOSNIA AND HERZEGOVINA	2				1	3
BRAZIL	1					1

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			CHINA		1	1		1	3
			EGYPT	4	2	5	9	1	21
			GAMBIA	1					1
			GHANA				1		1
			GEORGIA	1	2	3	1		7
			GUINEA	1			1	1	3
			INDIA	2	4	3	1	1	11
			IRAQ			1		2	3
			ISRAEL	1					1
			JORDAN			1			1
			CAMEROON		1	2	1		4
			CONGO			1			1
			KOSOVO		2	1	1		4
			LEBANON		2		2		4
			LYBIA					1	1
			FYROM			1			1
			MOROCCO	1	2	3	2	2	10
			MOLDOVA		1				1
			MONGOLIA	1	4	2	1		8
			NIGERIA	60	29	6	4	4	103
			PAKISTAN	3	2	3	3	3	14
			PERU	1					1
			RUSSIA	7	7	4	3	1	22
			SENEGAL	1			3	1	5
			SERBIA		2		1	2	5
			SRI LANKA			1			1
			USA	1					1
			SYRIA		1				1

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			TUNESIA	3	3	9	6	4	25
			TURKEY	5	10	6	6	1	28
			UKRAINE	21	26	28	13	5	93
			UZBEKISTAN					1	1
			VIETNAM	16	22	14	3	1	56
			<b>TOTAL</b>	<b>163</b>	<b>170</b>	<b>128</b>	<b>80</b>	<b>37</b>	<b>578</b>
	Portugal	Yes							
	Romania	Yes							
	Slovak Republic	Yes	<p>1.-3. see the previous answer to the similar ad-hoc query with two minor changes (as provided below)</p> <p><b>What is the method for getting married in Member States? What evidence has to be provided, is there a difference between civil and religious weddings, are the procedures different if a TCN is involved?</b></p> <p>Slovak legislation regards marriage as a bond between a man and a woman whose aim is to set up a family and raise children. Marriage is concluded at a Registry Office – in the presence of a mayor or an appointed deputy of a city/municipal council and a registrar or in the presence of a pastor of a church <u>registered</u> in the Slovak Republic, by declaration of the fiancés confirming that they are entering the marriage. The declaration must be done publicly, in a ceremonial manner and in the presence of two witnesses. The marriage ceremony is held in Slovak language. Therefore if one of the engaged couple (eventually both) does/do not speak Slovak language, presence of an official interpreter is also required.</p> <p>In the Slovak Republic you can conclude marriage equally in a civil or religious ceremony. Conditions for conclusion of a marriage in Slovakia are the same for <u>all</u> foreign nationals.</p> <ul style="list-style-type: none"> <li>▪ Marriage at a Registry Office</li> </ul> <p>The declaration confirming the conclusion of marriage has to be done at the registry office competent according to the permanent residence of one of the fiancés.</p> <p><b>2. What evidence of identity, nationality and immigration status do couples have to provide as evidence before they can marry?</b></p> <p>A foreigner must submit the following documents to the registry office no later than 14 days prior to the wedding ceremony:</p>						




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		<ul style="list-style-type: none"> <li>• Marriage notice application form that can be obtained at the registry office.</li> <li>• Birth Certificate – the document must include the date and place of birth, as well as name, surname and personal data regarding his/her parents; if the Birth Certificate does include personal data of both parents, a foreigner will also have to submit his/her Marriage Certificate.</li> <li>• Document proving legal capacity to enter into marriage which certifies there are no legal impediments preventing the couple from concluding the marriage. It must include the following: foreigner's name and surname, date of birth, place of birth, citizenship, permanent residence, marital status, affirmation stating that a foreigner has legal capacity to conclude a marriage pursuant to the legislation of his/her home country. This data may be included in several documents, not necessarily one.</li> <li>• Proof of citizenship – valid passport.</li> <li>• Proof of residence. If a foreigner has a residence permit in Slovakia this document is the plastic ID card. Otherwise, such document will be issued to a foreigner by the competent authority in his/her country.</li> <li>• Proof of foreigner's marital status.</li> <li>• Death Certificate of a deceased spouse, if a foreigner is a widow(er).</li> <li>• Divorce Decree, if a foreigner is divorced.</li> <li>• Identity card, e.g. a valid passport.</li> <li>• Administrative fee. In case a foreigner is getting married with a Slovak national the fee is in the amount of EUR 66, in case of marriage between two foreign nationals the fee is EUR 165.50.</li> </ul> <p>All documents issued abroad must be officially authenticated in a manner recognized in Slovakia (“apostille“, or “superlegalization“) and translated into Slovak by an official translator (they must include a round seal of the official translator). If acquisition of some documents should be hindered by a major obstacle, the registry office may accept their replacement with an affidavit of the fiancé(e). This may be a situation when due to objective reasons (e.g. in case of a war outbreak) it is not possible for a foreigner to return to his/her home country and he/she cannot even obtain these documents at the diplomatic mission of his/her country. However, it is always up to the particular registrar to consider such obstacles.</p> <p>In case a fiancé(e) is a foreign national as well, identical documents must be submitted to the registry office from his/her side as well.</p> <ul style="list-style-type: none"> <li>▪ Religious Wedding Ceremony</li> </ul> <p>Marriage may as well be concluded in presence of a church authority or a religious community <u>registered</u> in Slovakia. If a foreigner decides to have a church wedding, it is necessary to verify the conditions for marriage conclusion with the competent church authority in sufficient advance. Depending on the particular church, the religious teachings and meetings with the priest which are required for marriage conclusion may take as long as a few months. Depending on the individual church a foreigner may be required to submit special documents (e.g. Certificate of Baptism) in addition to the ones demanded in case of a civil marriage.</p> <p>If a foreigner meets all conditions for marriage conclusion defined by the respective church, he/she shall proceed identically as in case of a</p>
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			<p>marriage concluded at a registry office. This means a foreigner is obliged to submit all documents listed above to the registry office competent according to his/her or his/her fiancé(e)'s permanent residence no later than 14 days prior to the planned wedding ceremony. The registry office shall examine and verify legitimacy of the submitted documents and shall certify the marriage notice application form. A foreigner may submit this application form to the church authority only after such certification.</p> <p>For more information see:</p> <ul style="list-style-type: none"> <li>▪ <a href="http://mic.iom.sk/en/residence/family-reunion/26-manzelstvo-obcana-slovenska-s-cudzincom.html">http://mic.iom.sk/en/residence/family-reunion/26-manzelstvo-obcana-slovenska-s-cudzincom.html</a></li> <li>▪ <a href="http://mic.iom.sk/en/component/content/article/133-brozury.html">http://mic.iom.sk/en/component/content/article/133-brozury.html</a></li> </ul> <p><b>3. What happens if a registrar (or similar) has suspicions about the genuineness of a marriage? Is reporting these suspicions compulsory? Can a wedding be put on hold whilst suspicions are investigated?</b></p> <p>The suspicions regarding submitted documents are reported to the Bureau of Border and Alien Police of the Ministry of Interior of the Slovak Republic. Marriage of convenience is examined only when applying for or after granting permanent residence permit. In both cases when there is a suspicion about the genuineness of a marriage, a correspondent police unit summons a foreigner and foreigner's husband/wife and writes a report. The consequence may be the revocation of the residence permit.</p> <p><b>4. We are not able to provide data on suspicious marriages as they still can be in the process of investigation at various stages. The data on already investigated cases are also not collected in a way as requested.</b></p> <p><b>5. There are not such statistics available in the SR.</b></p>
	<b>Slovenia</b>	<b>Yes</b>	
	<b>Spain</b>	<b>Yes</b>	
	<b>Sweden</b>	<b>Yes</b>	<p><b>1-3</b> In Sweden the couple must have a document provided by the Swedish Tax Agency proving that there are no impediments to marriage under Swedish law. Swedish law defines the following impediments to marriage:</p> <ul style="list-style-type: none"> <li>• Age – if you are under 18, you may not marry without permission.</li> <li>• Family relationships – close relatives, such as siblings or parents and children, may not marry each other.</li> <li>• If you are already married or have a registered partner, you may not marry again.</li> </ul> <p>The rules are in principle the same for all nationalities (if you are not Swedish you must prove that there are no impediments according to the legislation of your country).</p> <p>1. No 2. No</p>

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			<p>It should be added that there are no legal limitations to marriage in Sweden but then it is up to the Swedish Migration Board to make grant residence permit. This can be refused if for example,</p> <ul style="list-style-type: none"> <li>• The application is based on incorrect information</li> <li>• The relationship is fraudulent</li> <li>• The relationship does not appear to be serious</li> <li>• The couple does not intend to live together.</li> </ul> <p>In other words there is no automatic right to live in Sweden if you are married to someone in the country if for example the marriage is considered to be a marriage of convenience.</p> <p><b>4-5 No statistics available.</b></p>
	<p><b>United Kingdom</b></p>	<p><b>Yes</b></p>	<p>1. Marriage law in England and Wales is mainly contained in the Marriage Act 1949. It sets out the legal impediments to marriage. The Act also sets out the process for marriage registration and describes offences relating to this process.</p> <p><b>Civil marriages/partnerships and non-Anglican religious marriages</b>  It is a legal requirement to give advance notice of marriage or civil partnership. The notice is publicly displayed for 15 days after which a marriage or civil partnership can be granted.  Both parties must go to their local register office to give notice in person. Both parties must have lived in the area, in which they wish to give notice, for at least 7 days immediately before giving notice. They must provide evidence of their name, age, nationality and address. They must give details of their occupation, current marital status and the intended venue for the marriage or civil partnership. Once the notice period is complete, the Superintendent Registrar will authorise the couple to marry or enter a civil partnership.</p> <p>a) <b>Anglican (Church of England) marriages</b>  Anglican marriages have different requirements to civil marriages and non-Anglican religious marriages.  <b>Reading of Banns</b> - announcing a couple's intention to marry and a chance for anyone to say why the marriage may not lawfully take place. Banns are read where each of the couple lives, as well as the church where the marriage is due to take place.</p> <p><b>Common licence</b>  This process is currently recommended by the Anglican Church for marriages involving a non-EEA national. The final decision to grant the licence is made by the bishop for the area where the proposed marriage is to take place. To apply for a common licence, one of the couple must have:</p> <ul style="list-style-type: none"> <li>• had his or her usual residence within the parish or district of the church in which the marriage is to due to take place, during the 15 days before the application; or</li> <li>• had his or her usual place of worship at the church.</li> </ul>

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			<p><b><u>Archbishop of Canterbury's special licence</u></b> Those with a connection with a particular church, but who cannot meet the requirements to marry there, may apply for the Archbishop of Canterbury's special licence.</p> <p>b) All non-EEA nationals wanting a civil marriage in the UK have to give notice of marriage in a designated register office (DRO). They can marry elsewhere.</p> <p>2. For civil marriages, couples must provide their name, age, nationality and address. They must give details of their occupation, current marital status and the intended venue for the marriage or civil partnership. For Anglican marriages, the minister performing the marriage may require couples to provide documentary evidence to establish their name, age, nationality, address, occupation and current marital status.</p> <p>a) For civil marriage, evidence of name, age, nationality and residency in their district is compulsory. b) If the evidence at a) is not provided, the marriage notice will not be taken by the registration officer. c) Registration officers <b><u>may</u></b> require evidence of immigration status.</p> <p>3)</p> <p>a) Where the registration officer suspects the marriage may not be genuine, they have to report it to the Home Office. The Home Office may investigate the proposed marriage, and take action.. b) As above, the registration officer has to report suspicious marriages to the Home Office. The Home Office may attend the wedding and prosecute those guilty of attempting to enter into a sham marriage.</p> <p>4) YES. Registrars are required to report to the Home Office any people they believe are entering into a marriage for immigration purposes. These reports are investigated and, if needed, action is taken. We received 384 reports in 2007; 344 in 2008; 561 in 2009; 934 in 2010; 1741 in 2011; and 1,891 in 2012.</p> <p>Statistics for Q4 are not currently releasable.</p> <p>5) NO</p>
	Norway	Yes	

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