

Marriage of Non-UK Nationals

Guidance from the Diocese of London's Registrar

1. Clergy will be well aware of the current concern about marriage in Church being abused by those seeking to enter into "sham" marriages of convenience for immigration-related purposes.
2. One reason for such people being attracted to Church marriage is the regime currently operated by the Home Office, whereby a "certificate of approval" is required prior to civil marriage where one or both parties is subject to immigration control. A certificate of approval will only be issued if the Home Office is satisfied as to the immigration status of the parties. This regime does not apply to Church marriages, which means that marriage in Church can be a means of circumventing it.
3. The certificates of approval regime is shortly to be abolished. This may result in a reduction in the number of applications for marriage in Church from those subject to immigration control.
4. The advice recently issued by the House of Bishops follows a number of cases in which clergy have been involved in "sham" marriage incidents. In a very few cases criminal proceedings have been brought against members of the clergy.
5. The purpose of this note is to give guidance about the procedure to be followed when a couple wish to be married in Church and one (or both) of the parties is a non-UK national.
6. In accordance with the House of Bishops' advice, clergy will be provided with a questionnaire form (downloadable from the Diocesan website) for completion by applicants when one or both parties are non-UK nationals. The questionnaire will incorporate a warning that documents may be referred to the UK Border Agency for verification.
7. Responsibility for forming a pastoral view as to whether or not a marriage is "genuine" lies with the parish clergy, who should refer applicants to a Surrogate for administration of the necessary affidavit and potential issue of a licence only after due diligence has been carried out by the parish priest. This will include verification of addresses, usually at least one home visit, appropriate marriage preparation, inspection of original documents (including passport, IND card, evidence of death of previous spouse or dissolution of previous marriage if applicable etc.). The attached appendix gives more information about what documents should be inspected.

/more

8. On referral to the Surrogate, the Surrogate will require to see a copy of the completed questionnaire (the original being retained by the parish priest) together with the original supporting documents and a letter from the parish priest confirming that to the best of his/her knowledge and belief the couple genuinely wish to enter into marriage as the Church understands it, and that the parish priest is willing to conduct the ceremony.
9. Difficult or suspicious cases should be referred to the Registry – preferably by the parish priest in the first instance, but if necessary by the Surrogate. The Registry have arrangements in place with the UK Border Agency which enable passports etc. to be verified if necessary.
10. The Registry and the Archdeacons are always willing to give guidance in any particular case.

PAUL MORRIS

Diocesan Registrar

21 April 2011

Appendix

Foreign Nationals: Documentation Required prior to the issue of a Common Licence

- 1 Where either of the parties is a foreign national (i.e. a non-UK national) it is strongly recommended that marriage should be by Common Licence for the clergy's own protection. This is because a Common Licence can be obtained only after sworn statements have been made by the applicants and such statements, if incorrect, carry the sanction of proceedings for perjury.
- 2 In such cases the party making application for a Licence should produce a letter from the appropriate Minister confirming that he/she is willing to marry the couple.
- 3 Importantly, it is vital that the parish priest (and subsequently the Surrogate) sees the **original** passport of the foreign national (including EEA nationals) and checks not just that the identity matches the individual tendering this but that the passport is in date (i.e. it is currently valid). The signatures **MUST** be checked. For citizens of EEA countries only, sight of the person's **original** national Identity Card is acceptable in lieu of a passport.
- 4 Whilst citizens of EEA countries require no visa to enter the UK, every other foreign national requires a UK entry or residence visa to allow legal entry or right of abode in the UK. Clergy should ensure that the passport of a non-EEA national contains such a **valid visa**. Please note that "Schengen" visas are not acceptable as the UK is not a party to the Schengen agreement.
- 5 Where a passport is relatively new, it may be the case that the valid UK entry/residence visa is in the expired passport, in which case the parish priest will need sight of this to be assured that the person is legally entitled to be in the UK
- 6 In some instances, particularly for individuals seeking asylum, an "IND Card" issued by the Home Office, containing the person's photograph and confirming his/her date of birth, is acceptable identification in lieu of a passport if the latter has been lodged with the immigration authorities.
- 7 Please note that in all cases where a passport has expired or is not available or where identity or, particularly, immigration status is uncertain (for example where no current UK entry/residence visa is held), it is suggested that a Superintendent Registrar's Certificate should be obtained, rather than seeking to authorise the marriage by Common Licence. The couple may be referred to their nearest Town Hall to progress matters via a civil ceremony.
- 8 In the case of all foreign nationals, photocopies of passports and current UK entry/residence visas for all non-EEA nationals, or photocopies of any "IND Cards" should be taken to the Surrogate, who will send copies to the Registry with the completed Affidavit.
- 9 Any other forms of identification offered by way of an alternative to the above should be immediately referred to the Registry.