

IMMIGRATION ACT 2014

EXPLANATORY NOTES

BACKGROUND

Part 4: Marriage and Civil Partnership

28. Sham marriages (or marriages of convenience) and sham civil partnerships – where the marriage or civil partnership is contracted for immigration advantage by a couple who are not in a genuine relationship – pose a significant threat to UK immigration control. The Home Office estimates that roughly 4,000 to 10,000 applications a year to stay in the UK, under the Immigration Rules or the Immigration (EEA) Regulations 2006¹, are made on the basis of a sham marriage or civil partnership. Since 1999, changes to primary legislation and to the Immigration Rules have been introduced in an attempt to prevent abuse by those prepared to enter into a sham marriage or civil partnership as a means to stay in the UK. However, the Government considers that further legislative changes are required to tackle this problem.
29. In 2011 the Government consulted on proposed reforms to family migration including measures to tackle sham marriages.² The Act extends and amends the marriage and civil partnership notice process to better enable the Home Office to identify and investigate suspected sham marriages and civil partnerships as a basis for taking enforcement and other immigration action under existing powers in cases established as sham.
30. The Act will change the procedures for giving notice of marriage and civil partnership in England and Wales, in order to provide for a new referral and investigation scheme for proposed marriages and civil partnerships involving a non-EEA national subject to immigration control. It provides an enabling power to allow the scheme to be extended to Scotland and Northern Ireland by order. It also extends the powers for information to be shared by and with registration officials for the purpose of tackling sham marriages and civil partnerships and related abuse. The Government has published additional background information on this measure.³

¹ SI 2006/1003 (as amended)

² Family Migration consultation, *op.cit*

³ *Sham Marriage and Civil Partnerships: Background information*, published November 2013, <https://www.gov.uk/government/publications/immigration-bill-part-4-marriage-and-civil-partnership>