

# IMMIGRATION ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Marriage and Civil Partnership**

##### *Chapter 2: Sham Marriage and Civil Partnership*

##### *Section 55: Meaning of “sham marriage” and “sham civil partnership”*

319. This section amends the 1999 Act.
320. *Subsection (2)* substitutes a new section 24(5) in the 1999 Act, which contains a new definition of “sham marriage.” This is a marriage in which either or both of the parties is not a relevant national (British citizen, EEA national or Swiss national); there is no genuine relationship between the parties; and either or both of the parties is entering into the marriage to avoid the effect of UK immigration law (which is defined to include the regulations concerning the free movement rights of EEA nationals) or the Immigration Rules.
321. *Subsection (3)* substitutes a new section 24A(5) in the 1999 Act, which contains a new definition of “sham civil partnership” in similar terms to that of “sham marriage” contained in the new section 24(5).

##### *Section 56: Duty to report suspicious marriages and civil partnerships*

322. This section amends the 1999 Act.
323. *Subsection (2)* amends section 24 of the 1999 Act so that the duty conferred on registration officials to report suspected sham marriages to the Secretary of State applies in respect of information received in advance of a person giving notice of marriage.
324. *Subsection (3)* amends section 24A of the 1999 Act so that the duty conferred on an authorised person within the meaning of the Civil Partnership Act 2004 to report suspected sham civil partnerships to the Secretary of State applies in respect of information received in advance of a person giving notice of civil partnership.