



European Nationals & Schemes

Marriages and Civil Partnerships of convenience

This is internal guidance for use by entry clearance staff. It is a live document under constant review and is for information only.

ECOs should note that this guidance applies to both marriages of convenience and civil partnerships of convenience. For clarity the text refers only to marriages of convenience throughout, but the same considerations apply when assessing civil partnerships.

A marriage of convenience is a sham marriage entered into solely for immigration purposes. An ECO may suspect that a marriage of convenience has taken place where the applicant has an adverse immigration history and/ or there is little or no evidence of the relationship other than a valid marriage certificate.

Cases considered as possible marriages of convenience can be assessed using a process of elimination in which strict criteria are applied. The burden of proof is on the ECO.

ECOs should note that where there is a child or there are children of the relationship, considerations of marriages of convenience should be discarded.

Criteria to be applied when assessing a marriage of convenience:

Evidence of previous relationship

In all cases, in order to refuse on the basis of a marriage of convenience, an ECO must be satisfied that there is little or no evidence of a relationship between the applicant and the EEA national. An applicant might provide email exchanges, letters, joint bank accounts, photographs etc. to show evidence of their relationship.

There are a number of other factors which may cause you to suspect that the applicant is party to a marriage of convenience. The following may raise doubts as to the credibility of a relationship:

The applicant has an adverse immigration history

The applicant may have had previous entry clearance applications refused or had otherwise attempted to gain entry or leave to remain in the UK eg. a failed asylum application.



Intention to live together in the UK

The applicant and the EEA national should generally intend to live together in the UK. This should be evidenced by a clear commitment from both parties that they will do so following the outcome of the application.

Claims of previous marriage

The applicant may have previously claimed to be married to someone else. In such cases they should produce documentary evidence of that marriage being dissolved.

Reason to question the plausibility of the marriage

For example, considerable differences in age and background or where the applicant and EEA national have no common language.

A sum of money has been handed over in order for the marriage to be contracted This would not include money given in the form of a dowry in the cases of nationals of countries where the provision of a dowry is common practice.

Investigation of marriage of convenience cases

Where you suspect that the applicant is party to a marriage of convenience, you should invite the applicant and if possible, the EEA national sponsor, to attend an interview. If you are still not satisfied that there is sufficient evidence of a relationship then you should refuse the EEA Family Permit.

Refusal Wordings

The following form of words should be used:

"You have applied for admission to the United Kingdom by virtue of European Community Law as the family member of a European Economic Area national who is exercising, or wishes to exercise, rights of free movement under the Treaty establishing the European Community in the United Kingdom, but in light of I consider this to be a marriage of convenience."

Rights of appeal

Where the applicant has provided a valid marriage certificate, there would be a full right of appeal.