



Ad-Hoc Query on marriage of convenience

Requested by UK EMN NCP on 9th June 2011

Compilation produced on 8th July 2011

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovak Republic, Slovenia, Sweden, United Kingdom (20 in Total)

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1. Background Information

The United Kingdom is seeing a growth in the use of 'marriages of convenience' as a way of obtaining the right to stay in the UK. These marriages involve both UK immigration law (third country nationals [TCNs] marrying British citizens) and the Freedom Movement Directive (TCNs marrying EEA nationals exercising treaty rights).



We would like to know the following.

1. 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?
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?
3. Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?

We are aware of other recent queries on marriage which have been very useful but do not cover all of the aspects that are of interest to the UK. It would be very much appreciated if we could receive your answers by **8th July 2011**.

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2. Responses¹

		Wider Dissemination?²	
			<ol style="list-style-type: none"> 1. 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 Third Country National is involved? 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? 3. Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1. Method for getting married in Belgium: One or both of the partners has /have to notify his/her intended marriage personally at the registrar in charge (i.e. at the municipality where at least one of the partners has his place of residence or at least his/her official address). The registrar compiles a file of notice, which has to be signed on one occasion by the registrar and at least by one partner. In the case that just one partner is present this person has to be in the possession of a legal certificate of authority, signed by the other partner. Preconditions for marriage: minimum 18 years of age, accordance of the two partners; There is a prohibition of marriage between relatives in direct line and between adopted persons and the children of the person who adopted. Polygamy is prohibited, also for foreigners. Since June 1, 2003, people of the same sex may marry and since October 1, 2004 also same-gender marriages are possible with partners of foreign nationality. Necessary documents to marry in Belgium are: officially accredited certificate of birth (an ordinary copy is insufficient), proof of identity (ID, passport), proof of nationality, proof of being unmarried, proof of inscription and a <i>certificat de coutume</i> (proof that the candidate for marriage fulfils the legal preconditions to marry). Marriages in Belgium, in which one or both partners is/are a TCN are possible if: I) at least one of the partners has the Belgian nationality, even if he/she has no place of residence in Belgium; II) at least one of the partners has his/her place of residence in Belgium; III) at least one of the partners has his/her official address since at least three months in Belgium. Under these preconditions it is also possible for people without legal stay to marry in Belgium. In the case a person with irregular stay in Belgium has notified the registrar about his/her intention to marry, the registrar 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.). In Belgium, religious marriages are legally binding only in combination with







¹ 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.

² 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>civil marriages.</p> <p>2. The term “marriage of convenience” is defined by Belgian law since 1999. In the same year a circular letter listed 10 indicators for marriages of convenience. The law of 1999 stipulated that the registrar has a preventive authority in combating marriages of convenience. He/she is entitled to refuse a marriage if there is a suspicion of marriage of convenience. After the registrar notified the candidate for marriage that there is such a suspicion he/she has to pronounce a decision to carry out the marriage or to refuse it within two months. To make this decision, the registrar may address a district attorney with a request of legal advice. The advice is legally not binding for the registrar. Different municipalities in Belgium implemented in their administrations “marriage of convenience-units”, which investigate on request on the registrar relevant suspicions. In the case that a registrar refuses to carry out a marriage he/she has to inform the Immigration Office. The Immigration Office adds the information to the file of the concerned foreigner. Concerned persons may lodge appeal against the decision of the registrar within one month at a court of first instance. The decision of the court of first instance can be appealed at a court of appeal.</p> <p>3. Marriages of conveniences are illegal and therefore persons who enter into such marriages or attempted to do so, can be punished. Persons, who enter into a marriage of convenience can be punished with imprisonment between 8 days and 3 months or with a fine between 26 and 100 € (Law of 12 January 2006). This punishment concerns only marriages of conveniences carried out after 21 February 2006. Persons who received money to agree in a marriage of convenience can be punished with imprisonment up to one year or with a fine up to 250€ Persons who used violence or intimidation to force another person into a marriage of convenience can be punished with imprisonment up to two years or a fine of 500€ Since 2009 a national plan of procedures exists to guaranty a uniform approach of the different concerned authorities in combating the phenomenon.</p>
	Bulgaria	Yes	<p>1. We can give only who are the family members: According Ar.2 (3) from Law for foreigners in the Republic of Bulgaria - Family members of the foreigner under this Act are:</p> <ol style="list-style-type: none"> 1. husband / wife; 2. children of the foreigner and his spouse / spouse, including adopted children who have not completed 18 years of age and unmarried; 3. children, including adopted children of the foreigner, not 18 years old and unmarried when he has custody and the children are dependent; 4. children, including adopted children, husband / wife, who have not reached the age of 18 and unmarried when he has custody and the children are dependent. <p>From the Law on entry, stay and leave of Bulgaria of the European Union citizens and members of their families: For the purposes of this Act: "A family member of a Union citizen" means:</p> <ol style="list-style-type: none"> a) a person who is married or has a de facto union with a European Union citizen; b) a descendant of a Union citizen who is not a Bulgarian citizen and has not turned twenty-one years or is the dependent, or heir of her husband; c) upward, which is dependent on the Union citizen or a wife. <p>2. N/A</p>



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			3. Yes, there is an investigation but the official answer from the competent authorities is that it is confidential information.
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	<p>1. According to Civil Registration Records Act persons wanting to get married (either civil or religious wedding) have to file a written joint application for marriage. Application for marriage is appended with following documents:</p> <ul style="list-style-type: none"> • birth certificates of prospective spouses; • in case of second or following marriage a document witnessing that the previous marriage has ended or has been declared invalid; • in case the prospective spouse is a minor then a court ruling regarding broadening of his or her legal capacity; • document verifying removal of any other obstacle to entering into contract of marriage. <p>In case one of the prospective spouses is an alien then additionally to documents listed above he or she has to prove that she has a legal basis for staying in Estonia. Additionally, the alien has to present a certificate of the capacity to enter the contract of marriage. Persons, who do not have to prove their legal basis for staying in Estonia are an EU citizen and a person who is considered to be an family member of an EU citizen.</p> <p>The date of the wedding is set in agreement with the prospective spouses. Persons cannot enter into the contract of marriage earlier than one month and later than 3 months since the date of submitting the joint application for marriage. An appropriate official may prolong or shorten the said term, if there are good grounds for it. The term may be prolonged up to 6 months from the date of submitting the application for marriage.</p> <p>2. If there are no obstacles (e.g. parties have failed to provide all appropriate documents), then no. If there are obstacles and they are not removed, then the marriage will not be registered.</p> <p>3. N/A.</p>
	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	France	Yes	<p>1- The only marriage recognized by the state is civil marriage, made by a registrar (the mayor of the town)</p> <p>2- What happens if a registrar has suspicions about the authenticity of a marriage?</p> <p>The officer of civil status may seize without delay the prosecutor if, after the marriage application and after hearing the husband if he has solid evidence to suggest that the proposed marriage is devoid of any intention to marry real. Indeed, the lack of intention to marry is an absence and a lack of consent of marriage and is therefore a cause of nullity of the latter. The officer of civil status informed of the referral to the concerned prosecutor.</p>




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			<p>The declaration of suspicion is mandatory?</p> <p>Referral to the Prosecutor by the officer of civil status of these indices is a serious possibility.</p> <p>A marriage may be postponed if there are any suspicions to the outcome of the investigation?</p> <p>The prosecutor has 15 days from date of referral by the officer of civil status, to decide to leave a marriage, oppose it or decide that it will stay for the celebration. The length of stay of the celebration may not exceed one month renewable reasoned decision. At the end of the stay, the prosecutor announced its decision. Either the attorney leaves a marriage, or he opposes it. Marriage which weigh serious indications of cancellation due to complacency may be delayed up to two months after the officer of civil status made known to the prosecutor indices. The engaged couple may challenge the decision to stay or renewal before the President of the High Court which shall decide within ten days. If an objection of the prosecutor, they can also request the release before this court that at the same time</p> <p>3- A person may be prosecuted for the act of organizing or participating in a marriage of convenience? What does the criminal law?</p> <p>The organization or attempting to arrange a marriage of convenience and the fact that an accomplice of such a marriage are punishable by five years imprisonment and a 15,000 euro fine (art. L. 623-1 code entry and stay of foreigners and asylum). Since Law No. 2011-672 of 16 June 2011 on immigration, integration and nationality (art. 33), which supplemented Article L. 623-1 cited above, both are also incurred when the foreign national who has been married has concealed his intentions to his spouse</p> <p>These penalties are increased to ten years imprisonment and 750,000 euros when the offense is committed by an organized gang. Additional penalties are provided (banned for five years; exclusion order as provided by Articles 131-30 to 131-30-2 of the Criminal Code for a period of ten years or more definitively; ban for a period of five years to exercise the professional activity during which the offense was committed; confiscation of all or part of property of persons convicted under the offense by an organized gang (art. L. 623-2). Legal persons may also be criminally liable (art. L. 623-3).</p>
	Germany	Yes	<p>1. 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>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</p>



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			<p>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>
	Greece	Yes	<p>1. Greece has also two different systems for getting permission to marry and it is followed almost the same procedure with that of U.K. More specifically: Concerning the religious weddings, these are permitted only in the Greek Orthodox Church and are organized by the parish vicar. Requirements for religious weddings concerning Greeks are:</p> <ul style="list-style-type: none"> • The couple must have completed the 18th year of their age. • Affirmation that are not relatives • Also the couple has the obligation to publish the announcement of wedding in one or two local newspapers • Evidence of previous marital status <p>For foreigners is required additional the passport (in order to be ascertained the name, the age and the nationality) as well as the proof that there is not any obstacle of getting married from the competent Consular Authority.</p> <p>As for the civil marriage, the procedure for Greeks is the same with the religious one, while for foreigners is additional required the passport and evidence of legal stay (visa or residence permit, valid until the day of wedding).</p> <p>2. There is not compulsory obligation for civil registrar or vicar to report any suspicions about the genuineness of a marriage. However, if there is proof that a marriage happens as a way of obtaining the right to stay in Greece, the competent authorities can deny the issuance of the residence permit. Nevertheless, the marriage is still concerned valid.</p> <p>3. So, there is not foreseen any kind of punishment.</p>
	Hungary	Yes	<p>1. 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?</p> <p>Hungary does not recognise the church ceremony in itself. Prior the marriage the bride and bridegroom should declare before the registrar that there are not any legal obstacles of their marriage by their best knowledge, as well as they have to prove with evidence the legal conditions for the marriage.</p> <p>The marriage will gain within 30 days after reporting the intention of marriageable.</p> <p>The marriage are conclude publicly and presence of two witnesses.</p> <p>The marriage will come into being if the marriageable personally declare that they marry each other. The marriage is entered into the marriage certificate by the registrar. If not Hungarian citizens wish to marry in Hungary she/he must prove that there is no obstacle to marriage according to personal laws.</p>

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			<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>If legitimate doubt arise for the correctness of the data of the presented document, the client may be required to present birth certificate. Anyone can mark marital barriers, as well as the registrar can deny the contribution to marriage.</p> <p>3. Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?</p> <p>The Act IV of 1978 on Criminal Code does not contain any criminal offenses of marriage of convenience.</p>
	Ireland	Yes	
	Italy	Yes	<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, 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>
	Latvia	Yes	<p>1. The Civil Law states, that a marriage shall be solemnised by the Head of the General Registry Division (under Ministry of Justice) or a clergyperson from the denominations set out in Section 51. There is no difference between civil and religious wedding's procedures.</p>


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			<p>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 annulled. The alien also should provide a certificate issued by the competent authority, which states, that he/she doesn't have any obstacles to contract a marriage in Latvia.</p> <p>The Civil Status Document Law states that, if the alien resides in Latvia legally in the moment of getting married, he/she can contract a marriage with a Latvian citizen or Latvian non-citizen or an alien with valid permanent residence permit, or with a person who have been acknowledged as a stateless person in the Republic of Latvia and has valid temporary residence permit.</p> <p>2. The Civil Status Document Law states that the marriage should be announced one month before contracting of marriage, and the marriage can be contracted only, if in the one month period of announcing obstacles against contracting it don't turn out.</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 General Registry Divisions 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. Thus, the Ministry of Justice has made a draft Law "Amendments to the Civil Status Document Law" which will include the rule that in respect of where the marriage will be contracted, firstly the documents shall be submitted in the General Registry Division.</p> <p>If all documents have been submitted and executed according to the law, the wedding can't be postponed in respect of that suspicions are investigated.</p> <p>3. Currently the Latvian legislation doesn't contain sanctions against persons who abuse the rights of family unification nevertheless the Draft Law "Amendments to the Criminal Law" is made. The Draft Law states that:</p> <ol style="list-style-type: none"> 1) For a person who have organised a marriage of convenience with a purpose to provide a residence permit for an alien in EU member states, EEA states or in Swiss Confederation, the applicable punishment is deprivation of liberty for a term not exceeding five years; 2) For the same reasons with a purpose of enrichment or if it has been committed by a group of persons pursuant to previous agreement, the applicable punishment is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property; 3) For the reasons set before, and if it has been committed by an organised group of persons, the applicable punishment is deprivation of liberty for a term not less than eight and not exceeding twelve years, with confiscation of property and with police supervision for a term not exceeding three years.
	Lithuania	Yes	
	Luxembourg	Yes	1. What is the method for getting married in Member States? What evidence has to be provided, is there a difference between civil and


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			<p>religious weddings, are the procedures different if a TCN is involved?</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 prenuptial medical test to obtain a medical certificate that is valid for two months (this prenuptial medical test is composed by a blood test and a tuberculin test).</p> <p>The documents that the parties have to produce are:</p> <ol style="list-style-type: none"> 1) Proof of identity (copy of the passport or the identity card) 2) Prenuptial medical certificate 3) 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. 4) Residence certificate 5) 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). 6) 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
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			<p>citizens)</p> <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. Can a person be prosecuted for organizing or being involved in a marriage of convenience? What for and what are the maximum punishments?</p> <p>For the moment, the Luxemburgish legislation does not have any specific disposition or sanctions over marriages of convenience. Nevertheless, the draft bill (projet de loi 5908) will introduce two articles to the criminal code that will sanction this type of conduct with 6 months to 2 years of prison and/or 10.000 to 20.000 euros fine. In the aggravated cases (exchange of money for the marriage) the punishment will be from 1 to 3 years and/or 10.000 to 30.000 euros fine. In addition the same bill wants to punish the person that by means of violence or threats, had force someone to contract marriage with 1 to 4 years in prison and/or a 10000 to 40000 euros fine.</p>
	Malta	Yes	<p>1. 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?</p> <p>The method of getting married in Malta requires the publication of banns of matrimony issued by the Civil Authorities (Public Registry). This applies to all marriages whether civil or otherwise.</p> <p>To apply for the publication of banns individuals must submit an original birth certificate, a free status certificate or similar document issued by the civil authorities of the country of origin and another similar document from the country of residence if different (the above mentioned documents are not required for persons born and residing in Malta as they are issued by the same civil authority) and</p>


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			<p>proof of regular immigration status for TCNs.</p> <p>Persons who were previously married have to provide official documents proving that the previous marriage is no longer binding. Documents issued in third countries must be legalized by the competent authorities of that country.</p> <p>Once the certificate of banns is issued, the marriage can take place. This is officiated by the appointed registrar for civil marriages.</p> <p>Catholic or religious marriages are only different in that they may be officiated by a religious official for catholic marriages whilst churches and religions that are recognized for the purposes of this Act Cap 255 Art. 17 the appointed Registrar would attend the marriage ceremony and proceed with the signing of the Act of Marriage.</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>If a Registrar (or similar) has suspicions about the genuineness of a marriage, after submitting the application, the couple are asked to attend individual interviews and if their suspicions are more evident the Registrar may refuse to issue the certificate of banns.</p> <p>3. Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?</p> <p>Article 38 of the Marriage Act states that a marriage of convenience in Malta is considered an offence and any person found guilty of an offence shall on conviction be liable to imprisonment of a term not exceeding two years.</p>
	Netherlands	Yes	<p>1. 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.</p> <p>The Netherlands do not treat civil and religious weddings differently, provided the marriage is considered legal by Dutch international civil law.</p> <p>2. Forth mentioned procedure is compulsory, thus the municipality will report suspicions to the commissioner and visa versa. A marriage between a couple of which at least one person is a TCN can not be conducted before the investigation is finished and the commissioner has reported his advice to the municipality.</p>

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			3. 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.
	Poland	Yes	
	Portugal	Yes	<p>1. Marriages celebrated in Portugal have to go through a preliminary procedure conducted by the Civil Registry Office which assesses the matrimonial capacity of the applicants. This procedure is mandatory both for civil and for religious weddings. At the end of the procedure and provided marriage has been authorized a certificate of matrimonial capacity is issued and is mandatory in religious weddings.</p> <p>In a marriage proceedings each applicant is identified by the respective name, nationality, age, civil status, place of birth, parentage, residence and civil identification number, most of which are unofficially obtained from the civil registry data base. Foreign applicants must support this information by delivering documental evidence of its contents, but they do not have to provide evidence as to their immigration status.</p> <p>2. In case of a suspected marriage of convenience, the registrar is under the legal obligation of communicating that fact to the Immigration and Borders Service with a view to conduct an investigation, as well as to the Public Prosecution Service, while suspending the marriage proceedings until the outcome of the investigation.</p> <p>3. Sham marriages are a crime, under article 186 of the National Immigration Law: 1—Whoever marries with the sole purpose of favour the granting or earn a visa or a residence permit or defraud the legislation in force on the subject of nationality acquisition is punishable with a prison penalty form 1 up to 4 years. 2—Whoever in a repeated and organised way foments or creates the conditions for the practice of the acts foreseen in the preceding number is punishable with a prison penalty from 2 up to 5 years. 3—The attempt is punishable.</p>
	Romania	Yes	<p>1. 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 Third Country National is involved?</p> <p>The only marriage which produces juridical effects is the civil wedding. The religious wedding is more a traditional custom. In addition to this, the religious wedding is done only if a marriage certificate issued following a civil wedding exists.</p> <p>According to the Law 119/1996 on civil status documents the marriage shall be concluded by the civil status officer at the mayor in whose jurisdiction one of the intending spouses has the domicile or residence. The marriage can be completed off-site of the mayor, with the approval of mayor, in case one of the intended spouses is unable to appear, for solid reasons.</p> <p>The documents which must be submitted are:</p> <ul style="list-style-type: none"> - Birth certificates in original and photocopy (uncertified)


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			<ul style="list-style-type: none"> - Prenuptial medical certificate - Identity cards, identity cards or passports (for foreigners and Romanian citizens domiciling abroad) in original and copies (these documents must be valid at the date of submission of documents and the date of marriage) - Declaration of marriage given in writing to the civil status officer and it must include the desire to marry and the fact that the intended spouses are aware of their medical status and of the condition of the Family Code and the names they are going to have after the marriage is completed. <p>In case one or both intended spouses are foreigners the marriage file must include the following documents:</p> <ul style="list-style-type: none"> - Birth certificate in original and copy and a authorized translation of them - Documents proving that a previous marriage was undone or stopped, in original and an authorized translation, if the case may be - Evidence from local authorities, where there is an agreement between Romania and the specific country of citizenship - In case the above mentioned agreement does not exist, the proof will be issued by the embassy of the country of the citizenship (evidence will include, as mandatory, that in accordance with the national law the conditions to marry in Romania are fulfilled) - In case both intended spouses are foreign citizens they must prove their legal stay. <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>According to the Law 119/1996 on civil status documents the marriage must be concluded within 10 days, including the day when the declaration of marriage was submitted and the day when the marriage is concluded.</p> <p>The civil status officer does not conclude the marriage in case he/she finds that the requirements provided for by the law are not fulfilled. The refusal shall be noted in a minutes.</p> <p>If a civil status officer suspects the couple are entering into a marriage of convenience they are not required to report these suspicions to the Romanian Immigration Office but are invited to report suspicions voluntarily, after the marriage is concluded.</p> <p>3. Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?</p> <p>Government Emergency Ordinance 194/2002 on aliens' regime in Romania provides for that the Romanian Immigration Office refuses the extension of the stay right based on marriage in cases when, following the investigations, results that the marriage is of convenience. In these cases the third country national spouse is issued an order to leave the country.</p>
	Slovak Republic	Yes	<i>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?</i>



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		<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> <p>§ Marriage at a Registry Office</p> <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. A foreigner must submit the following documents to the registry office no later than 14 days prior to the wedding ceremony:</p> <ol style="list-style-type: none"> 1. Marriage notice application form that can be obtained at the registry office. 2. 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. 3. 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. 4. Proof of citizenship – valid passport. 5. Proof of residence. If a foreigner has a residence permit in Slovakia this document is the sticker in his/her passport or the plastic ID card. Otherwise, such document will be issued to a foreigner by the competent authority in his/her country. 6. Proof of foreigner's marital status. 7. Death Certificate of a deceased spouse, if a foreigner is a widow(er). 8. Divorce Decree, if a foreigner is divorced. 9. Identity card, e.g. a valid passport. 10. 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. <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</p>
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			<p>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> <p>§ Religious Wedding Ceremony</p> <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 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> <p>§ http://mic.iom.sk/en/residence/family-reunion/26-manzelstvo-obcana-slovenska-s-cudzincom.html</p> <p>§ http://mic.iom.sk/en/component/content/article/133-brozury.html</p> <p><i>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?</i></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.</p> <p><i>Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?</i></p> <p>Current Slovak Criminal Code does not define/regulate marriage of convenience and so it also does not regulate organisation or involvement in a marriage of convenience.</p>
	Slovenia	Yes	1. Future spouses declare their marriage to the administrative unit in the place where they want to marry. After the verification of conditions for marriage the competent authority, in agreement with the prospective spouses must fix the date of marriage or by a

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			<p>decision refuses the marriage. A foreign citizen should register at the marriage to the competent authority with the extract of birth certificate, proof of citizenship, proof that their unmarried status and proof that the law of his country are no impediments to marriage. All documents must be translated and duly certified, there is no distinction between the EU / EEA citizens and non-EU citizens. For Slovenian citizens information is verified by official duties (insight in the register). In the RS is valid civil marriage, its conclusion before the competent national authorities (Chief administrative unit or person authorized by him), only church wedding has no effect.</p> <p>2. In the law of the Republic of Slovenia is no legal basis for the rejection of marriage, if the party submits the relevant documents required for marriage. Registrar of the competent administrative unit in case of doubt of a quasi-marriage must inform the Ministry of the Interior, the process of marriage is not broken in that case.</p> <p>3. With regard to criminal prosecution for organizing marriages of convenience it would be necessary to contact the Ministry of Justice. The penal code does not know the offense a marriage of convenience would be unjustified and would probably obtain the proceeds could fall into a criminal act.</p>
	Spain	Yes	
	Sweden	Yes	<p>1. 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"> • Age – if you are under 18, you may not marry without permission. • Family relationships – close relatives, such as siblings or parents and children, may not marry each other. • If you are already married or have a registered partner, you may not marry again. <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>2. No</p> <p>3. No</p> <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"> • The application is based on incorrect information • The relationship is fraudulent • The relationship does not appear to be serious • The couple does not intend to live together. <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>

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	United Kingdom	Yes	<p>1. 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?</p> <p>The UK has two different systems for getting legal permission to marry. If a couple want to get married in the Anglican Church in England and Wales this can be organised by their parish vicar without the involvement of the civil authorities. If a couple want to marry in a civil ceremony or in any other religious ceremony they must approach the civil registration authorities who grant a certificate permitting them to marry. Couples are required to provide evidence of their name, age, nationality and previous marital status. They are not required to provide any proof of their immigration status. TCNs must approach a registrar at a specially designated register office where staff have additional training in dealing with marriages involving foreign nationals but no additional evidence is required.</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>If a civil registrar suspects the couple are entering into a marriage of convenience they are required by law to report these suspicions to the UK Border Agency for investigation. Anglican vicars are not required to do so but are invited to report suspicions voluntarily.</p> <p>3. Can a person be prosecuted for organising or being involved in a marriage of convenience? What for and what are the maximum punishments?</p> <p>Persons who make an application for a visa or residence permit based on a marriage of convenience can be prosecuted for seeking to obtain leave by deception and imprisoned for up to one year. People arranging such marriages can be charged with facilitating unlawful immigration and imprisoned for up to fourteen years. Using false / forged documents or providing false information to a registrar can also lead to a person being charged with perjury or fraud offences.</p>
	Norway	Yes	
