

01 Background A sham marriage or civil partnership is one where the relationship is not genuine but one party hopes to gain a benefit or immigration advantage from it. Under sections 24 and 24A of the Immigration and Asylum Act 1999, as amended by section 55 of the Immigration Act 2014, a sham marriage or civil partnership is one in which:

- one or both of the parties is not a British citizen or an EEA or Swiss national
- there is no genuine relationship between the parties
- either or both of the parties enter into the marriage or civil partnership for the purpose of circumventing (avoiding) UK immigration controls, including under the Immigration Rules or the Immigration (EEA) Regulations 2006

The key factor in a marriage of convenience is the absence of intention of the married couple to be involved in a genuine and subsisting marriage or relationship akin to marriage and the creation of a family unit.

Why it matters:

An individual sham marriage can often be part of a wider organised crime group (OCG) which may consist of multiple sham marriages and other criminal activity including money laundering, identity fraud, trafficking and exploitation. A Home Office report in 2013 estimated that 4,000 to 10,000 applications a year to stay in the UK are made on the basis of a sham marriage or civil partnership with nearly 2,500 enforcement visits having taken place between 2010-2014. The risks to individuals entering into sham marriage include:

- Arrest and prosecution
- Association with organised crime
- Domestic Abuse
- Financial Abuse/theft
- Blackmail
- Exploitation
- Sexual Abuse
- Unwanted/forced pregnancy
- Manipulation

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Information: There is very little research or data available on sham marriage in the UK.

Information received by the Home Office from reports by registration officials of suspected sham marriages and civil partnerships suggests that individuals entering into sham marriages mainly include a non-European Economic Area (non-EEA) national:

1) With a visa or limited leave to remain, where it is unlikely that they will meet the requirements to extend their time in the UK; or

2) Who has overstayed their visa or limited leave to remain (or entered the UK illegally) and has no basis to stay in the UK;

or

3) Who has been refused an extension to their current visa or limited leave to remain.

Many of those involved in a sham marriage or civil partnership admit to using an individual facilitator or an organised crime group to co-ordinate it. The level of profit for criminals can be very high, with non-EEA nationals reported to pay up to £20,000 to facilitators.

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What to do?

Report an immigration crime

<https://www.gov.uk/report-immigration-crime>

Dial 101 and in emergency dial 999 and ask for the police

Don't confuse it with

- Forced marriage
- Arranged marriage
- Nikah (faith) marriage

Questions:

- 1) Why do people enter into a sham marriage?
- 2) What are the associated crimes connected to a sham marriage?
- 4)
- 5)
- 6)

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Sham marriage

Information:

In March 2015 a referral and investigation scheme to tackle sham marriages and civil partnerships was introduced across the UK. The scheme, as provided for by part 4 of the Immigration Act 2014, requires all proposed marriages and civil partnerships in the UK involving a non-EEA national who could benefit in immigration terms to be referred to the Home Office and to be investigated under a notice period of up to 70 days. This provides the ability to identify and investigate suspected sham marriages and to seek to prevent the participants of a sham marriage or civil partnership obtaining any benefit / immigration advantage.

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