

EXPLANATORY MEMORANDUM TO
THE REPORTING OF SUSPICIOUS MARRIAGES AND CIVIL
PARTNERSHIPS
(AMENDMENT) REGULATIONS 2014

2014 No. 1660

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

- 2.1 The purpose of the Regulations is to make consequential amendments to two instruments as a result of changes made by the Immigration Act 2014. These instruments concern the reporting of suspicions about sham marriages and civil partnerships by the registration service to the Secretary of State.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None.

4. **Legislative Context**

- 4.1 The Immigration Act 2014 (“the 2014 Act”) received Royal Assent on 14 May 2014. It introduces changes to the procedures couples must follow when they wish to marry or form a civil partnership. The 2014 Act also introduces new data sharing powers for the registration service, and amends the existing duties, under section 24 and 24A of the Immigration and Asylum Act 1999, for registration officials to report suspicious marriages and civil partnerships to the Secretary of State.

The information sharing powers and the amendments to sections 24 and 24A of the Immigration and Asylum Act 1999 come into force on 14 July 2014, two months after Royal Assent, with the remaining provisions to be commenced by Order.

- 4.2 These Regulations are one of a series of instruments which will implement the provisions of the 2014 Act. These Regulations make consequential amendments to two instruments, the Reporting of Suspicious Marriages and Registration of Marriages (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/3164) and the Reporting of Suspicious Civil Partnerships Regulations 2005 (S.I. 2005/3174). These amendments reflect the fact that a report of suspicions may now be made by the registration official at an earlier stage, before notice of marriage or civil partnership is given.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is not subject to any Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The overall purpose of Part 4 of the 2014 Act is to introduce changes to the preliminaries to marriage and civil partnerships, introduce a referral and investigation scheme and enhance information sharing powers in order to combat sham marriages and civil partnerships and allow for the reporting of immigration offenders. Sections 24 and 24A of the Immigration and Asylum Act 1999 place a duty on registration officials to report suspicions of a sham marriage or civil partnership to the Secretary of State, at any time following the giving of a notice of marriage or civil partnership. Schedule 1 of the Reporting of Suspicious Marriages and Registration of Marriages (Miscellaneous Amendments) 2000 and Schedule 1 of the Reporting of Suspicious Civil Partnership Regulations 2005 prescribe the information required to be sent with each s24/24A report.

7.2 The 2014 Act introduces changes that allow registration officials to submit a s24/24A report to the Secretary of State prior to notice being given, e.g. at the time an appointment is made, which will provide the Home Office with more time to investigate and take any enforcement action necessary. If a report is made prior to a notice of marriage or civil partnership being given the registration official may not have all the information listed in Schedule 1. These Regulations will allow a registration official to submit a s24/24A report with as much of the information as is available to them at that time.

8. Consultation outcome

8.1 No specific consultation has been undertaken on these Regulations, although there has been engagement with relevant stakeholders on the new provisions and in developing guidance. In 2011 the Government held a consultation exercise on family migration as part of the ongoing programme of reform of the immigration system. The consultation set out a number of proposals aimed at tackling sham marriages.

9. Guidance

9.1 The General Register Office has produced guidance for registration officials in respect of the new information sharing provisions which includes setting out the amendments made by these Regulations.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies

10.2 An Impact Assessment has not been prepared for this instrument. An impact Assessment was published for the Immigration Act 2014 which can be found at <http://services.parliament.uk/bills/2013-14/immigration/documents.html>

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government has no specific targets in this area.

13. Contact

Linda Edwards at the General Register Office, (part of Her Majesty's Passport Office) Tel: 0151 471 4621 or email: Linda.edwards@gro.gsi.gov.uk, can answer any queries regarding the instrument.