

REPORT

To: GENERAL PURPOSES COMMITTEE	Subject: REGISTRATION SERVICES - Preliminaries to Marriage where Parties are subject to Immigration Control	
From: DIRECTOR OF ADMINISTRATION		
Date: 21 February 2005	Ref: JAF/AC	

**1. Purpose of Report**

- 1.1 The purpose of the report is to advise the Committee of proposals by the General Register Office for Scotland to deal with the problem of 'sham marriage' and to seek the approval of the Committee to the response sent to GRO(S) as the views of the Council.

**2. Background**

- 2.1 The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 which received Royal Assent on 22 July 2004 included provision regarding preliminaries to marriage in the UK where either of the parties was subject to immigration control [i.e. non-EEA nationals]. The provisions of the Act are intended to help tackle the problem of 'sham marriage' as defined in the Immigration and Asylum act 1999.

- 2.2 The marriage provisions came into force on 1 February 2005. From that date, Registrars are only able to process marriage notice papers submitted by non-EEA nationals proposing to marry in the UK provided that they -

- [a] have entry clearance granted expressly for the purpose of marrying in the UK (obtained prior to submitting notice to marry and travelling to the UK); or
- [b] have the written permission of the Secretary of State (the Home Secretary) to marry in the UK (usually where the person is already in the UK); or
- [c] fall within a class specified in Regulations made by the Home Secretary.

- 2.3 The 2004 Act makes provision for designating specified Registration Offices to handle the preliminaries to a marriage, where either of the parties is subject to immigration control. Unlike England and Wales where the number of designated offices is restricted, there are no plans at present to restrict the number of offices in Scotland.

- 2.4 This opportunity to interview couples should assist Registrars to determine if the proposed marriage is genuine and enable Registrars to build-up expertise in identifying forged documentation. In Scotland, there is no such residence requirement and couples are free to submit marriage notice to the Registrar by post and turn up on the day to be married.

**3. Considerations**

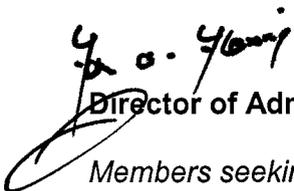
- 3.1 General Register Office for Scotland has indicated an intention to monitor the position in Scotland closely in the coming months and to be ready to impose similar restrictions should the Home Secretary decide that this is necessary. GRO(S), having examined all marriages in Scotland in 2003 involving non-EEA nationals, has proposed to designate thirteen [13] offices in Scotland which would enable Registrars in those registration Districts to become

expert in identifying forged documentation and, at the same time, minimise the number of notices that would need to be handled by one local authority on behalf of another. For the local authority areas of North Lanarkshire and South Lanarkshire, the Registrar General for Scotland proposes to designate the Registration Office at East Kilbride for the purpose.

- 3.2 The Registrar General seeks views of the Council on that proposal.
- 3.3 The number of non-EEA nationals married in North Lanarkshire in 2003 was 46. While this is the most up-to-date figure available, it can only be identified as a 'snap-shot' and is not necessarily a clear indicator of past or future trends. The number of vital events recorded by the registration service has North Lanarkshire puts the Council as 4<sup>th</sup> in the league table of recorded events in Scotland.
- 3.4 Given the professionalism of the registration staff in North Lanarkshire and the opportunity that should be available to employees in one of Scotland's largest authorities to gain experience in the full spectrum of registration, representation has been made to the GRO(S) to designate the Registration Office at Bellshill for the purpose .

#### **4. Recommendations**

- 4.1 The Committee is asked to note the position.
- 4.2 The Committee is asked to homologate the response to the General Register Office for Scotland proposing the designation of the Registration Office at 20/22 Motherwell Road, Bellshill, to deal with the preliminaries to marriage in the UK where either of the parties is subject to immigration control.

  
Director of Administration

*Members seeking further information on the contents of this report should contact John Fleming, Head of Central Services on Extension 2228.*