



IMPORTANT INFORMATION REGARDING CERTIFICATE OF APPROVAL FOR MARRIAGE OR CIVIL PARTNERSHIP APPLICATIONS

www.ukba.homeoffice.gov.uk

1. I WANT TO GET MARRIED OR REGISTER MY CIVIL PARTNERSHIP IN THE UK AND I AM OVERSEAS

1.1 You will need to obtain entry clearance as a fiancé(e), or a proposed civil partner, or a marriage visitor or civil partnership visitor.

1.2 You should apply for fiancé(e) or proposed civil partner entry clearance if you are planning to travel to marry or register your civil partnership with someone already in the UK and you plan to stay in the country. You should apply for a marriage or civil partnership visitor entry clearance if you only want to visit the UK to get married or register your civil partnership, but do not plan to stay for more than six months.

1.3 These rules apply, irrespective of whether you are a visa national (a person who needs a visa in order to gain entry to the UK for any purpose) or a non-visa national. You won't be able to give to a registrar notice to marry or register your civil partnership without the correct valid sticker in your passport or travel document.

1.4 You should apply for your entry clearance at a British Embassy, Consulate, or High Commission in the country overseas where you are normally resident.

1.5 A fee, currently £585, is payable for fiancé(e) or proposed civil partner entry clearance.

1.6 A fee, currently £67, is payable for marriage or civil partnership visitor entry clearance.

1.7 If you are applying for a fiancé(e) or proposed civil partnership entry clearance, both parties to the marriage or civil partnership must be over 18 years of age.

2. I WANT TO GET MARRIED OR REGISTER MY CIVIL PARTNERSHIP IN THE UK AND I AM ALREADY IN THE COUNTRY

2.1 If you

(a) are an EEA (European Economic Area) national exercising rights of residence in the UK, or

(b) are the family member of an EEA national exercising rights of residence in the UK, or

(c) have settled status in the UK (i.e. are free of any restriction on the period for which you may remain; this is normally signified by an indefinite leave to enter or remain stamp or residence permit in your passport)

then you will not require a certificate of approval for marriage or civil partnership in order to be able to give to a registrar notice to marry or register your civil partnership.

2.2 If you do not fall into category (a) or (b) or (c) at para. 2.1 above, you will need to apply for a certificate of approval from the Home Office (unless you benefit from the present exemption set out at section 5.1 of this note).

3. CHANGES TO THE CERTIFICATE OF APPROVAL (COA) SCHEME

3.1 The original scheme required an applicant to have current leave to enter or remain in the UK for more than six months, and for at least three months of that leave to be remaining when the applicant made his COA application.

CHANGES TO THE SCHEME FOLLOWING THE HIGH COURT JUDGEMENT OF 10 APRIL 2006

3.2. Following a judgement in the High Court amendments to the scheme were introduced for applicants who had insufficient leave to enter or remain in the UK to meet the published certificate of approval (COA) criteria when applying. [Insufficient leave originally meant that the person was granted six months leave to enter/remain or less, and had less than three months leave remaining.]

3.3 Under these new procedures if you were a person who had insufficient leave to enter or remain at the time of applying for a COA, we may write to you asking that you submit further information in support of your application to enable us to be satisfied that your proposed marriage or civil partnership is genuine. Any such letter from us will ask for information about:-

- when, where and how you and your fiancé(e)/proposed civil partner met
- when you decided to marry or enter into a civil partnership
- where you intend to live if permitted to marry or to enter into a civil partnership in the UK
- arrangements for any religious ceremony, including the nature of the ceremony, the person conducting it and relevant contact details
- arrangements for any reception or celebration, including details of the location, proof of booking and relevant contact
- your relationship with your fiancé(e)/proposed civil partner if you are not living together (e.g. letters and photographs as evidence of the relationship)
- your life with your fiancé(e)/proposed civil partner if you are living together, including the address(es), how long you have lived together and documentary evidence in the form of correspondence addressed to both of you at the same address from utilities, government bodies, local authorities, financial institutions etc

- any children from your and your fiancé(e)/proposed civil partner's present or previous relationships, including where they now live, the length of time any of them have lived with you, the names of their natural parents and who supports them
- contact telephone numbers for yourself and your fiancé(e)/proposed civil partner in case an officer wishes to contact either of you
- any additional information about yourself and your fiancé(e)/proposed civil partner which you would like us to know about, and/or any additional supporting evidence or documentation which might help your application.

3.4 The letter asking for this information will explain that your answers will have to be provided in separate affidavits clearly signed and dated by you and your fiancé(e) or proposed civil partner.

3.5 An affidavit is a written statement signed on oath and witnessed by a qualified solicitor or notary public. It is a serious offence under section 2 of the Perjury Act 1911 wilfully to make a material statement in an affidavit which you know to be false or do not believe to be true. The offence is triable either way i.e. in the Magistrates Court and in the Crown Court. In the Crown Court, the maximum penalty is 7 years imprisonment and/or a fine.

3.6 It is important to note that, since the above changes, the COA scheme has been revised further, and that you need to read the following section in order to understand the present scheme.

CHANGES TO THE CERTIFICATE OF APPROVAL SCHEME FOLLOWING THE COURT OF APPEAL JUDGEMENT ON 23RD MAY 2007

3.7 A judgement in the Court of Appeal on 23 May 2007 declared the pre-April 2006 original certificate of approval scheme unlawful. The Home Office appealed to the House of Lords against the Court of Appeal judgement, and the Lords gave their judgement on 30 July 2008. The Home Office is in the process of considering the Lords' judgement, and will update this website with its conclusions.

3.8 Pending the result of its appeal to the House of Lords, the Home Office further amended the certificate of approval scheme in order to ensure that it complied fully with the Court of Appeal judgement.

3.9 The following points summarise the amendments.

- Applications from individuals who previously did not meet the criteria for a certificate of approval, but who have some valid leave to enter or remain at the time of their application, will continue to be considered in line with the current guidance. (See 3.3 above)

Applications from those individuals who do not have valid leave to enter or remain (illegal entrants, persons who have been refused leave to enter, but granted temporary admission or temporary admission pending the outcome of an application for leave to enter, and those who have overstayed their leave to remain) who have until now been refused unless there are exceptional compassionate circumstances for granting a certificate of approval will be treated in line with the current guidance for those who have limited, but insufficient, leave to qualify for a COA. This is the guidance set out at 3.3 above. Where a person without leave to remain applies for a certificate of approval the Home Office will (as in all cases where we discover a person present illegally) consider whether or not enforcement action should be initiated, in addition to considering the application for the certificate of approval.

Applicants who applied under the original scheme, who at the time of their application had limited, but insufficient leave to enter or remain to qualify and were refused a certificate of approval may submit a request for reconsideration of their application. These requests will require the submission of evidence as stated in the amended guidance (see 3.3 above).

Where a person applies for a certificate of approval with the intention of engaging in a marriage of convenience to an EEA national it should be noted that such a marriage will not afford the non-EEA national a right to reside in the United Kingdom. Regulation 2 of the EEA Regulations 2006 specifically excludes from the definition of a spouse a party to a marriage of convenience.

3.10 You can ask for an application form to be sent to you by telephoning 0870 241 0645. The certificate of approval application form is also available on the forms page of this website.

3.11 All applications have to be made by post, as you will not be able to apply in person at the Border and Immigration Agency's Public Enquiry Offices for this service. The application form has details of the documents you need to send with the form and where you should send it to.

3.12 We recommend that applications are sent by Royal Mail Recorded Delivery. You should allow between 20 and 70 working days for your application to be processed.

3.13 The certificate is valid for three months from the date it is issued. You must give your notice to marry or register your civil partnership within this time. The certificate allows you to give notice to marry or register your civil partnership and does not mean you will be guaranteed leave as a spouse or civil partner.

3.14 If both people getting married or registering a civil partnership are subject to immigration control, they both need to make separate applications for their

certificates of approval. The Home Office will not reissue a replacement certificate if you lose the original. You will have to make a new application.

4. GIVING NOTICE TO MARRY OR REGISTER A CIVIL PARTNERSHIP AT A DESIGNATED REGISTER OFFICE

4.1 If you are a person subject to immigration control, you and the person whom you plan to marry, or with whom you plan to register your civil partnership, will need to give, at a designated register office, notice to marry or register your civil partnership. All the registration offices in Scotland and Northern Ireland are designated registration offices and 76 register offices in England and Wales have been selected as designated register offices. A list of these 76 offices is available on the General Register Office website and the UK Border Agency website. See section 6 for these website addresses.

4.2 In England and Wales, both of you must have at least seven days residence in a registration district before you can give your notices to marry or register your civil partnership. Those notices can be given at any designated register office, but both of you must attend together.

4.3 You will need to bring evidence of your names, addresses, ages, nationalities and, if either of you has been married or registered a civil partnership before, proof that you are now free to marry or register a civil partnership.

4.4 In Scotland and Northern Ireland, the notice to marry or register a civil partnership can be given by post, so you will not normally have to attend in person, but you may be asked to attend the Registrar's Office before the wedding or the civil partnership.

4.5 You must surrender your certificate of approval to the registrar when you give your notice to marry or register your civil partnership. If you are planning to marry or register your civil partnership in Scotland or Northern Ireland and you are travelling from abroad, you will need to photocopy the sticker in your passport and send the photocopy to the registrar along with your marriage or civil partnership notice papers if you are giving notice by post.

4.6 After you have given notice to marry or register your civil partnership, you have to wait 15 full days before your wedding or registering of your civil partnership can take place (14 days in Scotland and Northern Ireland).

4.7 In England and Wales, once your notice to marry or register your civil partnership has been accepted, the wedding or civil partnership can take place at any register office or approved premises. If you plan to marry at a church or religious building registered for marriage it must be in the district of residence where you or the person you plan to marry live.

4.8 The notice to marry or register your civil partnership is valid for one year from the date on which it was given in England, Wales and Northern Ireland, and for three months in Scotland. Your marriage or civil partnership must take place within this time, or you will have to apply for another certificate of approval and give notice to marry or register your civil partnership again.

4.9 Under section 24 of the Immigration and Asylum Act 1999 the registrar is legally obliged to report to the Secretary of State without delay if he has reasonable grounds for suspecting that the marriage will be a sham marriage.

5. RELIGIOUS CEREMONIES

5.1 The rules on certificates of approval do not currently apply if you plan to get married at an Anglican Church in England or Wales, after marriage banns or an ecclesiastical licence. You must contact a member of the clergy at the church where you plan to get married to make the appropriate arrangements. However the policy of excluding these religious ceremonies from the certificate of approval scheme was declared unlawful by the High Court. The Government has indicated it will change the rules to bring such marriages within the scope of the scheme. The date of this change has not yet been determined.

5.2 If you plan to marry in any other form of religious ceremony, you will have to follow the procedures outlined above before the marriage ceremony can take place.

6. WHERE TO GET MORE INFORMATION

For more information about certificates of approval write to:

UK Border Agency
Lunar House
40 Wellesley Road
CROYDON
CR9 2BY

General enquiries phone: 0870 606 7766

Application forms phone: 0870 241 0645

Email: ukbapublicenquiries@ukba.gsi.gov.uk

For more information about visas, write to:

UK Border Agency
Visa Services Directorate
King Charles Street
LONDON
SW1A 2AH

General enquiries phone: 0845 010 5555

Website: www.ukba.homeoffice.gov.uk

For more information about getting married or registering a civil partnership in the UK, contact your local registrar or the appropriate General Register Office as follows.

ENGLAND AND WALES

Write to:

Marriages Branch General Register Office
Smedley Hydro
Trafalgar Road
SOUTHPORT
PR8 2HH

Phone: 0151 471 4803

Fax: 01633 652975

Email: marriages.gro@ons.gov.uk

Website: www.gro.gov.uk

SCOTLAND

Write to:

Marriages Section
General Register Office for Scotland
New Register House
West Register Street
EDINBURGH
EH1 3YT

Phone: 0131 314 4447

Fax: 0131 314 4532

Email: marriage@gro-scotland.gsi.gov.uk

Website: www.gro-scotland.gov.uk

NORTHERN IRELAND

Write to:

Marriage Section
General Register Office
Oxford House
49-55 Chichester Street
BELFAST
BT1 4HL

Phone: 028 9025 2036

Fax: 028 9025 2136

Email: groreg@dfpni.gov.uk

Website: www.groni.gov.uk