

Immigration Act 2014 – Marriage Provisions - Update

Specified Evidence

You will recall that as from March 2nd 2015 non-EEA nationals wishing to marry in the Church of England will need to complete civil preliminaries. All applicants for banns should be asked to provide specified evidence that both of them are EEA nationals. Similarly when application is made for common licence, all couples will have to provide specified evidence that they are both EEA nationals. Non-EEA nationals should be directed to a designated civil registrar's office to obtain a Superintendent Registrar's Certificate as their form of preliminary to a marriage in the Church of England.

The Registration of Marriages Regulations 2015 – which prescribe the 'specified evidence' – have now been published. They are available here:

<http://www.legislation.gov.uk/ukSI/2015/207/contents/made>

Briefly ALL applicants should be asked to provide a valid passport showing him or her to be a British, EEA or Swiss national OR a valid EEA identity card. No further documents need then be provided.

If a party cannot produce a passport or identity card, there are various other documents that can be used instead.

If a party was **born before 1st January 1983** then they can rely on a UK birth certificate together with another document such as a driving licence, utility bill or bank statement to provide evidence of the party's current use of the name on the birth certificate. If they have changed their name since birth they should provide proper evidence of the name change.

If a party was **born after 1st January 1983** and cannot provide a valid passport or identity card then things are more complicated as a person born in the UK after that date is not automatically a British citizen. The party must provide:

- i) a full UK birth certificate showing parents' details;
- ii) a driving licence or utility bill showing the party's use of the name;
- iii) evidence of the party's parents' British citizenship or settled status at the time of the party's birth (such as parents' birth certificate) and the party's parents' marriage certificate (if the citizenship is claimed through the father).

The advice given is that it may be easier for a person born after 1st January 1983 who does not have a passport to obtain one.

The General Registrar Office is updating their Guidebook for the Clergy which will now include guidance on specified evidence. This apparently should be available from 2nd March as a downloadable booklet at

www.gov.uk/government/publications/guidance-for-the-clergy

Please ensure the all parish administrators and parish officers that deal with wedding enquiries within your benefice are aware of these new regulations.