



Immigration Act 2014

2014 CHAPTER 22

PART 4

MARRIAGE AND CIVIL PARTNERSHIP

CHAPTER 2

SHAM MARRIAGE AND CIVIL PARTNERSHIP

55 Meaning of “sham marriage” and “sham civil partnership”

(1) The Immigration and Asylum Act 1999 is amended in accordance with this section.

(2) In section 24 (duty to report suspicious marriages), for subsection (5) substitute—

“(5) A marriage (whether or not it is void) is a “sham marriage” if—

- (a) either, or both, of the parties to the marriage is not a relevant national,
- (b) there is no genuine relationship between the parties to the marriage, and
- (c) either, or both, of the parties to the marriage enter into the marriage for one or more of these purposes—
 - (i) avoiding the effect of one or more provisions of United Kingdom immigration law or the immigration rules;
 - (ii) enabling a party to the marriage to obtain a right conferred by that law or those rules to reside in the United Kingdom.

(6) In subsection (5)—

“relevant national” means—

- (a) a British citizen,
- (b) a national of an EEA State other than the United Kingdom, or
- (c) a national of Switzerland;

Status: This is the original version (as it was originally enacted).

“United Kingdom immigration law” includes any subordinate legislation concerning the right of relevant nationals to move between and reside in member States.”.

(3) In section 24A (duty to report suspicious civil partnerships), for subsection (5) substitute—

- “(5) A civil partnership (whether or not it is void) is a “sham civil partnership” if—
- (a) either, or both, of the parties to the civil partnership is not a relevant national,
 - (b) there is no genuine relationship between the parties to the civil partnership, and
 - (c) either, or both, of the parties to the civil partnership enter into the civil partnership for one or more of these purposes—
 - (i) avoiding the effect of one or more provisions of United Kingdom immigration law or the immigration rules;
 - (ii) enabling a party to the civil partnership to obtain a right conferred by that law or those rules to reside in the United Kingdom.

(5A) In subsection (5)—

“relevant national” means—

- (a) a British citizen,
- (b) a national of an EEA State other than the United Kingdom, or
- (c) a national of Switzerland;

“United Kingdom immigration law” includes any subordinate legislation concerning the right of relevant nationals to move between and reside in member States.”.