

Marriage of Foreign Nationals without EU Settled or Pre-Settled Status

From 1 July 2021 all foreign nationals who are not ‘relevant nationals’ (see below) need to be married by a Superintendent Registrar’s Marriage Schedule (previously Superintendent Registrar’s Certificates).

Initial Approach

When clergy are first approached by a couple they should ask to see:

- both their passports,
- evidence of their address(es), and
- evidence to support their legal right to marry in your church
- evidence in relation to any previous marriages

From 1 July 2021 only British, Irish or those foreign nationals with Settled or Pre-Settled Status will be classed as ‘*relevant nationals*’ under the EU Settlement Scheme (EUSS). Therefore, if both members of the couple are relevant nationals, they may be married by banns or common licence, as necessary for their particular set of circumstances. (Please see our guidance note ‘Marriage of British, Irish and EU Settled Status Nationals’ on the Diocesan website: <https://www.oxford.anglican.org/parish-support/advice/diocesan-registry/diocesan-registry.php>)

A relevant national will need to prove their status to clergy. They will have to provide a unique code (obtained from the first website listed below) so a minister can log onto a Government website (see the second link below) and access their details.

<https://www.gov.uk/view-prove-immigration-status>

<https://www.gov.uk/check-immigration-status>

If one or both members of the couple are not relevant nationals (i.e. they are not British or Irish or do not have Settled or Pre-Settled Status under EUSS), the couple will need to be married by Superintendent Registrar’s Marriage Schedule. ***Please note banns and common licences are no longer lawful preliminaries for marriages involving a foreign national who does not have EU Settled or Pre-Settled Status.***

Register Office Involvement

Once a date and other arrangements have been agreed with the couple, and, in principle, the minister is happy to marry them, they should be directed to contact the relevant civil Register Office to serve notice for their Superintendent Registrar’s Marriage Schedule. Please note, one or both members of the couple need to either (a) reside in the parish; (b) be on the Electoral Roll of the church; or (c) have a legal qualifying connection in place, before they serve notice.

A Government website enables couples to put their postcode into a search engine to find their nearest civil Register Office (<http://maps.direct.gov.uk/LDGRedirect/MapAction.do?ref=grolight>). All Register Offices are now Designated Register Offices.

Documentation required when serving Notice for Marriage Schedules

When the couple attend the Register Office they will need to provide:

1. Evidence of their name, surname, date of birth and nationality. This can be in the form of one of the following:-

- valid passport
- a certificate of registration as a British citizen granted by the Secretary of State
- a certificate of naturalisation as a British citizen granted by the Secretary of State
- birth certificate of a British national
- valid biometric immigration document
- valid travel document issued in the United Kingdom

(**NB:** a certificate of registration, certificate of naturalisation and birth certificate may need to be accompanied by other documents but the Civil Registrar will be able to advise further in this regard.)

2. Evidence of their place of residence. This must be in the name of the person giving notice and can be in the form of one of the following:-

- utility bill (not older than 3 months)
- bank or building society statement or passbook (not older than 1 month)
- council tax bill (not older than 12 months)
- mortgage statement (not older than 12 months)
- current residential tenancy agreement
- valid driving licence
- letter from the owner or proprietor of the address which is the person's place of residence (the Civil Registrar will advise about the content and format of the letter if this is the document supplied)

3. Evidence of ending of previous marriage or civil partnership (if applicable)

- decree absolute of divorce for England or Wales
- dissolution order or nullity order for England or Wales
- overseas divorce or annulment documents
- death certificate of spouse or civil partner

(**NB:** If the couple do not have any of the documents listed in 1 and 2 (and, if applicable, 3) above, they will need to speak with the Civil Registrars to see what alternative documents will be acceptable.)

4. Letter from the Minister

The Civil Registrars will need to receive a letter from the minister taking the service in support of the couple's application. A pro-forma letter can be found on the Diocesan website to help in this regard.

Clergy may provide their own letter, however, the Civil Registrars need to know:

- that the couple do legally qualify to marry in the church in question; and
- the minister is content to accept a Marriage Schedule; and
- if one or both has been previously married, that the minister is content to marry them notwithstanding the previous marriage having ended in divorce (as to which, clergy should use the Marriage in Church after Divorce questionnaire, as per the House of Bishops' Guidance).

Notice Period

Once they make their application, there is a **28 day** notice period. If the Superintendent Registrar refers their application to the Home Office, this will be extended to **70 days**. The couple will be notified in writing if their application is referred. This should be borne in mind when agreeing in principle to 'book' the wedding and the conditional nature of such a booking should be made very clear to the couple.

Establishing a Qualifying Connection

If the couple are not resident in the parish, on the church Electoral Roll or do not have an existing qualifying connection (see separate note), clergy can provisionally agree that a couple can marry in their church after the couple have established a legal worshipping qualifying connection. However, clergy should be mindful of dates. The couple need to habitually attend public worship in the relevant parish at least once a month for not less than six months. Only once the couple have achieved a worshipping qualifying connection in the parish, can they make their application to serve notice. The couple could, potentially, have to serve a 70 day notice period so clergy need to check, during the initial conversations with them, that there is time for the couple to establish a legal worshipping qualifying connection and serve the requisite notice period before their chosen wedding date.

Validity Period of a Marriage Schedule

Marriage Schedules state the date on which a marriage is due to take place as well as a date by which a marriage must be solemnised if it is not possible to proceed on the planned date, for any reason. Marriage Schedules are now automatically printed with a validity period of a maximum of twelve months.

Fees

The fee for serving notice for a Marriage Schedule is **£47** per applicant, i.e. **£94 per couple**. This may, of course, be amended from time to time so the couple will need to confirm this with the Civil Registrar.

Darren Oliver | doliver@wslaw.co.uk

Partner | Winckworth Sherwood LLP

Solicitor and Registrar of the Diocese of Oxford

Sara Leader | sleader@wslaw.co.uk

DT: 01865 297211

Registry Manager