

Marriage of British, Irish and EU Settled or Pre-Settled Status Nationals

1. From 1 July 2021 only British, Irish or those foreign nationals with EU Settled or Pre-Settled Status (referencing "*EU exit separation agreements*") are 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.

Initial Approach

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

- both their passports,
- if they are not British or Irish nationals, evidence in support of their EU Settled or Pre-Settled Status (see below)
- evidence of their address(es)
- if not resident in the parish, evidence to support their qualifying connection(s)
- evidence in relation to any previous marriages

Settled or Pre-Settled Status

3. EEA nationals were able to apply for EU Settled Status if they had been in the UK for five years or more before 1 July 2021. They may also have been granted EU Pre-Settled Status if they have been in the UK for a shorter period. It is also possible for EEA nationals to have a pending application to the EUSS if their application was submitted before 1 July 2021 but has not yet been decided.

4. The bride and/or groom will need to prove their EUSS status to clergy. To do this they need to provide the officiating minister/incumbent with a 'share code' which they can obtain from the following Government website:

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

5. The couple should let the officiating minister/incumbent have the 'share code' so that the minister can log on to the following Government website to check their details:

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

6. A summary of their immigration status will clearly indicate whether they have EU Settled or Pre-Settled Status or if they have a different form of status in the UK (such as indefinite leave to

remain, settled status, or a tiered visa, etc.). If there is no reference to the "***EU exit separation agreements***" in the summary, the couple cannot be married by Banns or Common Licence and should follow the process referred to in paragraph 11 and 12 below.

7. A PDF document will be produced which clergy should keep with the couple's application to prove their EUSS status has been verified.

8. Only once clergy have seen proof of the couple's EU Settled or Pre-Settled Status, provided they are resident in the parish or have a qualifying connection with it, can their Banns be read or they can arrange to obtain a Common Licence during the three months before their wedding.

9. If an EEA national has a pending application which was submitted before 1 July 2021, they will have received a '*Certificate of Application'* from the Home Office. Clergy should ask to see this before proceeding with Banns or a Common Licence application. The Certificate can be digital or hard copy but if clergy have any concerns about the documentation, please be in touch with Sara Leader.

10. Clergy will need to see confirmation of EU Settled or Pre-Settled Status before reading either home or away Banns. It is, therefore, vital to see this evidence as early as possible when couples make contact.

Foreign Nationals without EU Settled or Pre-Settled Status

11. If one or both parties to the proposed marriage are not relevant nationals (i.e. they are not British, 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.***

12. Please see the Guidance posted in the Legal Section of the Diocesan Website entitled 'Marriage of Foreign Nationals without EU Settled or Pre-Settled Status' (https://www.oxford.anglican.org/parish-support/advice/diocesan-registry).

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