

Confusion relating to Marriages of Foreign Nationals

We are aware of some confusion regarding marriages of foreign nationals which could leave clergy falling foul of the Marriage Act 1949, as amended following the EU Settlement Scheme.

Foreign Nationals with EU Settled or Pre-Settled Status

By way of reminder, only **British** and **Irish** nationals and those foreign nationals with **EU Settled or Pre-Settled Status** can be married by Banns or Common Licence. If foreign nationals indicate they have EU Settled or Pre-Settled status, this should be checked on the Government's website. Please see our guidance note which relates to this [British, Irish and EU Settled Status Nationals](#). Provided they have EU Settled or Pre-Settled status (and are marrying someone who is British or Irish or also has EU Settled or Pre-Settled status), they can be married by Banns or Common Licence.

Foreign Nationals without EU Settled or Pre-Settled Status

All other foreign nationals who do not have EU Settled or Pre-Settled Status should be married by Superintendent Registrars Marriage Schedule as per this guidance note [Foreign Nationals without EU Settled Status](#).

Confusion re Status

A lot of foreign nationals who have indefinite leave to remain in the UK also refer to having "settlement" or "settled" status which is where confusion can arise. The status of all foreign nationals can be checked using the same government websites as those with EU Settled Status (by the person providing clergy with a 'share code' from this link [Prove Immigration Status](#) and the minister checking their status at this link [Check Immigration Status](#)).

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, they cannot be married by Banns or Common Licence.

Clergy should download the PDF produced when checking foreign nationals' status to prove the necessary checks have been made so it can be kept with other papers for the couple. Appropriate marriage preliminaries should be used as identified above.

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