

## **Marriage of European Economic Area Nationals - Post 1 July 2021 Guidance for Clergy (updated 28 June 2021)**

1. The transition period put in place once the United Kingdom left the European Union ended on 31 December 2020. However, the legislation regarding marriages of European Economic Area (EEA) nationals will not change until 1 July 2021.

### ***Identity Documents***

2. For **all** couples who approach you asking to be married, you should ask to see their passports, evidence of address(es) and evidence to support their legal link to the church (either residence, Electoral Roll membership or qualifying connection). There will now be additional requirements if either party to the marriage is not a British or Irish citizen. If either person holds citizenship from a relevant EEA country or Switzerland (see the list in the Schedule below), this note will assist in deciding which marriage preliminary should be used from 1 July 2021. If either person is a *non-European Economic Area (non-EEA) national*, it is possible for them to have Settled Status if they are a family member of an EEA citizen. Please see the paragraphs 14 and 15 below in this guidance note and the further information on the Diocesan website about how to proceed.

### ***No change until 1 July 2021***

3. Changes regarding marriages of EEA nationals will not come into force before 30 June 2021. Until 30 June 2021, EEA nationals can be married by Banns or Common Licences, as appropriate, so long as the couple have established a legal link to the parish or church, either under the Marriage Act 1949 (residence in the parish or membership of the Electoral Roll of the church) or the Marriage Measures 2008 and 2012 (by way of qualifying connection – for more information please see section 9 of our *Guidance for the Diocese of Oxford* found at this link: <https://www.oxford.anglican.org/wp-content/uploads/2018/03/Marriage-in-the-Church-of-England-Guidance-for-Clergy.pdf>).

### ***From 1 July 2021***

4. Once new laws come into force on 1 July 2021, marriages of EEA nationals will have to take place following the issue of a civil Marriage Schedule (previously Superintendent Registrar's Certificate) unless the person is an Irish national or has Settled Status or Pre-Settled Status in the UK (see paragraph 6 below).

5. British or Irish citizens or EEA nationals with Settled or Pre-Settled Status will be classed as '*relevant nationals*' under the EU Settlement Scheme (EUSS) and will continue to be able to be married by Banns or Common Licence post 1 July 2021.

### ***Settled or Pre-Settled Status***

6. EEA nationals will be able to apply for Settled Status if they have been in the UK for five years or more. They may also be granted 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 but has not yet been decided.

7. The EEA national will need to prove their status to you. They will have to provide you with a unique code so you can log onto a Government website (see the links below) and access their details. The websites are quite straightforward to follow but if you would like to see a

# Oxford Diocesan Registry



presentation about how to do it, this can be found on the LRSA website (<https://www.lrsa.org.uk/> - a password is required) under Immigration Act Changes.

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

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

8. Only once you have seen proof of their Settled or Pre-Settled Status can you read their Banns or arrange for them to obtain a Common Licence.

9. If an EEA national has a pending application which was submitted before 1 July, they will receive a 'Certificate of Application' from the Home Office. You should ask to see this before proceeding with Banns or a Common Licence application. The Certificate can be digital or hard copy (an example can be seen on the LRSA website) but if you have any concerns about the documentation, please be in touch with Sara Leader.

10. Clergy will need to see confirmation of an EEA national's Settled or Pre-Settled Status before you read either home or away Banns. It is, therefore, vital to see this evidence as early as possible when couples contact you.

## ***EEA nationals who are not Irish nationals or do not have Settled or Pre-Settled Status***

11. Any EEA nationals who are not Irish citizens or do not have Settled or Pre-Settled Status should be directed to their local Superintendent Registrar's Office to serve Notice to enable them to be married in your church.

12. The couple will still need to have a legal link to the parish or church, either under the Marriage Act 1949 (residence in the parish or membership of the Electoral Roll of the church) or the Marriage Measures 2008 and 2012 (by way of qualifying connection).

13. The application process will follow that used for non-EEA nationals (see paragraphs 14 and 15), however, because of the expected rise in applications, all Superintendent Registrar's Offices will now be 'designated' offices for these purposes.

## ***Non-EEA nationals***

14. Those non-EEA nationals who have Settled Status by virtue of a family member being an EEA national will be able to marry by Banns or Common Licence. You will need to check their status in the same way as indicated in paragraph 7 above. They will be classed as 'relevant nationals' under the EUSS.

15. Non-EEA nationals without Settled Status will still need to be married by a Marriages Schedule (previously Superintendent Registrar's Certificates). Please see the Guidance posted in the Legal Section of the Diocesan Website entitled 'Marriage of Foreign Nationals – Post 2 March 2015' (<https://www.oxford.anglican.org/wp-content/uploads/2015/03/Marriage-of-Non-EEA-Nationals.pdf>).

## ***Transitional Provisions***

16. For those couples who are due to be married on 1 July, or after, there are some transitional provisions in place to assist. Marriages will be able to proceed by Banns or Common Licence provided one of the following has occurred:

- a) Banns have been read at least once before 1 July in at least one of the parishes where required; or

# Oxford Diocesan Registry



- b) Both parties have given notice to the incumbents or priests-in-charge of the parishes where Banns are required to be read and provided evidence of their British, Irish, EEA or Swiss nationality at the time; or
- c) A Common Licence has been granted before 1 July 2021, and remains valid; or
- d) An application for a Common Licence has been received but not determined by 1 July 2021; or
- e) A person has sworn the oaths to apply for a Common Licence by 1 July 2021.

17. However, please be mindful that Banns are valid for three months from the final reading and a Common Licence is valid for three months once granted. If the marriage cannot take place within this timeframe, the couple will need to apply for a Marriage Schedule to enable them to get married at a later date.

18. The Home Office issued guidance in January entitled '*Sham Marriage Changes resulting from the end of free movement*' which may address questions you have about the new system or changes. The Home Office document can be found on the Diocesan website at this link: <https://www.oxford.anglican.org/wp-content/uploads/2021/03/QA-Sham-marriage-changes-from-1-July-2021-resulting-from-the-end-of-Fr....pdf>.

19. The General Register Office Guidebook for the Clergy (which can be found at this link: <https://www.gov.uk/government/publications/guidance-for-the-clergy>) will be updated from 1 July to reflect these changes.

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## **Schedule of Relevant Countries**

Austria  
Belgium; Bulgaria  
Croatia; Republic of Cyprus; Czech Republic,  
Denmark  
Estonia  
Finland; France,  
Germany; Greece,  
Hungary  
Iceland; Italy,  
Latvia; Liechtenstein; Lithuania; Luxembourg,  
Malta  
Netherlands; Norway  
Poland; Portugal  
Romania  
Slovakia; Slovenia; Spain; Sweden; Switzerland