

Oxford Diocesan Registry



Marriage of Foreign Nationals without EU Settled or Pre-Settled Status - From 1 July 2021

As you will be aware, 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 you should ask to see:

- both their passports,
- evidence of their address(es), and
- evidence to support their qualifying connection(s)
- 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, you may proceed to marry them by banns or common licence, as necessary for their particular set of circumstances. (Please see our other guidance note about changes from 1 July 2021 which can be found at this link: <https://www.oxford.anglican.org/wp-content/uploads/2021/06/Marriage-of-EEA-Nationals-from-1-July-2021.pdf>)

A relevant national will need to prove their status to you. They will have to provide you with a unique code (obtained from the first website listed below) so you 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 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 foreign nationals without settled or pre-settled status.***

Register Office Involvement

Once you have agreed a date and other arrangements with the couple, and, in principle, you are happy to marry them, you should direct them to contact the relevant civil Register Office to serve notice for their Superintendent Registrar's Marriage Schedule.

A Government website enables couples to put their postcode into a search engine to find their nearest 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.

However, if you wish to provide your own letter, the Civil Registrars need to know:

- that the couple do qualify to marry in your church; and
- that you are content to accept a Marriage Schedule; and
- if one or both has been previously married, that you are content to marry them notwithstanding the previous marriage having ended in divorce (as to which, you 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.

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 | Diocesan Registrar
doliver@wslaw.co.uk

Sara Leader | Registry Manager
sleader@wslaw.co.uk