European Commission

Misuse of the Right to Family Reunification

Marriages of convenience and false declarations of parenthood

produced by the European Migration Network

June 2012

Home Affairs

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Disclaimer

This Synthesis Report has been produced by the European Migration Network (EMN), which comprises the European Commission, assisted by its service provider (ICF GHK-COWI), and EMN National Contact Points (EMN NCPs). This report does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider (ICF GHK-COWI) or the EMN NCPs, nor are they bound by its conclusions. Similarly, the European Commission, ICF GHK-COWI and the EMN NCPs are in no way responsible for any use made of the information provided.

Explanatory note

This Synthesis Report was prepared on the basis of National Contributions from 24 EMN NCPs (**Austria**, **Belgium**, **Bulgaria**, **Cyprus**, **Czech Republic**, **Estonia**, **Finland**, **France**, **Germany**, **Hungary**, **Ireland**, **Italy**, **Latvia**, **Lithuania**, **Luxembourg**, **Malta**, **Netherlands**, **Poland**, **Portugal**, **Slovak Republic**, **Spain**, **Sweden**, **United Kingdom** and **Norway**) according to a Common Template[1] developed by the EMN and followed by EMN NCPs to ensure, to the extent possible, comparability.

National Contributions were largely based on desk analysis of existing legislation and policy documents, reports (including previous EMN outputs), academic literature, political debate, media articles, internet resources and reports and information from national authorities (Ministries, Border Guards and other law enforcement agencies), NGOs and International Organisations (e.g. IOM). Statistics were sourced from Eurostat, again national authorities plus other (national) databases.

It is important to note that the comments of this Report refer to the situation in the above-mentioned (Member) States up to and including 2011 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available National Contributions and it is strongly recommended that these are consulted also.

The (Member) States listed above are given in **bold** when mentioned in the Report and "(Member) States" is used to indicate the contributions from participating EU Member States plus from Norway.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion in this Study, but have done so for other EMN activities and reports.

[1] Available, along with the various National Contributions, from http://www.emn.europa.eu under "EMN Studies"

Executive summary

This EMN Focussed Study responds to a growing concern, notably of policymakers as well as in the media, that the right to family reunification may be misused as a route into settlement in the EU. It also serves to inform the Green Paper on the Family Reunification Directive 2003/86/EC.

The aim of the study was to identify the scale and scope of two instances of misuse, namely marriages of convenience and false declarations of parenthood and to provide clear evidence, to the extent possible and including available statistics, of these types of misuse and how best to address them. The study also summarises (Member) States' current practices in the detection and prevention of these types of misuse, which is a concern for all (Member) States, although knowledge of the scale of the phenomenon is limited. Of the two, marriages of convenience are seen to be most prominent.

Whilst (national) legislation exists, or is in the process of being amended, (Section 2) to address misuse in all (Member) States, there is wide variation in the perceptions of its extent (Section 3.1). This ranges from it being unclear, to a minimal or marginal issue, to increased observations, to being a policy priority. Of particular concern for some (Member) States, are marriages of convenience concluded by their nationals (often women) in other Member States. There is also some evidence to suggest the involvement of organised crime groups.

Motivations (Section 3.2) identified in almost all (Member) States for a sponsor to participate in a marriage of convenience were principally economic and financial, with some indication that organised crime groups pay the sponsor; through coercion; so-called "grey marriages," where the sponsor enters into a marriage unaware that the motivations of the applicant are purely to obtain legal residence; helping out a friend or acquaintance; compassionate or humanitarian grounds, or idealism, where the sponsor disagrees with the authorities or the immigration rules; to gain lawful residence or to bypass an entry ban; and for a younger third-country national to act as a carer for an older sponsor. From the perspective of an applicant, the main motivations cited were to obtain the right of residence and associated benefits, or to remain in the (Member) State.

Motivations of both sponsors and applicants for false declarations of parenthood (Section 3.2) appear to be less well developed and reported. They were predominantly for financial and economic reasons; to prevent a negative international protection ruling; and with the intention of regularising an irregular residence situation.

National means of preventing misuse of marriages of convenience (Section 3.3) range from measures taken by embassies in the countries of origin; collection of facts and interviews; checks on family ties; information about lifestyle, national and religious traditions; and interviews with both sponsors and applicants. Measures taken by the Police include inspections in registered residences, places of employment and schools, consultation with municipal authorities and cross-checks

with police information systems. In some cases, non-governmental organisations may also play a role in prevention of misuses.

For false declarations of parenthood (Section 3.3), the difficulty is that authorities have little or limited means of addressing misuse once the conditions for establishing recognition (consent of parent, child or legal representative) and formal conditions for recognition (civil status, nationality, identity and birth related documents) are respected. Where a family is not able to provide any documentation to prove a relationship between the parent(s) and the child, DNA tests may be conducted in some (Member) States.

In terms of authorities responsible (Section 3.4) for investigating marriages of convenience, these tend to be the responsibility of law enforcement agencies, such as the police and public prosecutor's office, working with a range of national or regional / local authorities, such as civil registries and institutions with responsibility for migration, borders and residence. In some situations, consular staff may also be involved and misuse has also been identified by authorities detecting benefit fraud. Civil registrars in particular are expected to play a role by reporting any suspicions they may have. For false declarations of parenthood, similar authorities are involved with the addition of case workers.

Authorities may trigger an investigation (Section 3.5) where the sponsor has previously been involved in a family reunification; where either spouse has been involved in a marriage of convenience previously; where there is evidence of a record of previous short-term marriages; or where they receive a report about a suspicious marriage (e.g. from civil registries, clergy or the public). Techniques then used (Section 3.6) include, frequently in combination and depending on individual circumstances, interviews with the sponsor and applicant; background checks; home visits; third party and community based checks, to test the couple is living together, including checks with public services and utility providers, document checks and, in some cases, the couple is asked to independently complete a questionnaire and their individual responses are subsequently compared.

Challenges (Section 3.6) that exist in detecting and investigating marriages of convenience include both the sponsor and applicant being well-prepared for interviews; being both time consuming and resource intensive; the absence of methodological guidelines; and respecting rights conferred under EU or national law. For false declarations of parenthood, triggers are less developed in part owing to the no or very limited experience in the (Member) States, but include assessing the strength of the relationship; unusual age or nationality difference; parents living at different addresses; concerns expressed by a case worker; and where the child keeps the mother's maiden name not the father's.

To prove a marriage of convenience (Section 3.7) based on these various triggers, (Member) States generally take a case-by-case approach and review the various elements that might constitute evidence to support or oppose the notion that a marriage of convenience has been contracted. The burden of proof, however, lies with the (Member) States in a majority of cases, unless it is part of criminal proceedings. A similar approach is used with false declarations of parenthood with, in addition, some (Member) States also using DNA testing. Again the burden of proof rests mainly with the (Member) State authorities

although there are some exceptions where at least part of the burden rests with the applicants.

If a marriage of convenience is detected, likely penalties (Section 3.8) can include, for the sponsor, imprisonment, fines, or both. The extent and amount of these vary between the (Member) States with imprisonment of up to 5 years and fines of up to €15 000. For the applicant, penalties (additionally) include the refusal of a residence permit or, if already granted, its revocation or invalidation. Similar penalties exist for false declarations of parenthood, but with imprisonment of up to 10 years and fines of up to €750 000. In all cases, there is the right to appeal (Section 3.9).

European co-operation (Section 4) occurs in a number of ways, informal, ad hoc or via formal agreements. Examples include between Belgium and the Netherlands on the so-called "Europe Route;" between Ireland and Latvia in connection to the high incidence of suspected cases between third-country and Latvian nationals marrying in Ireland; via Immigration Liaison Officers (ILOs); and a joint operation between the Netherland and United Kingdom in relation to Dutch Antilleans seeking identity and then marriage in the latter.

Some statistics (Section 5) on marriages of convenience and false declarations of parenthood are available, although in many cases these were not comparable. In 2010, a total of 720 200 permits for family reasons were issued by EU Member States (excepting Estonia, Sweden for which complete statistics are not available), some 496 450 (or 68.9% of this total) of which were issued to a third-country national joining with a third-country national. With regard to the identified cases of marriages of convenience, and noting that in many cases no distinction between those occurring between third-country nationals and those occurring between a third-country and an EU national was possible, residence permits refused or revoked by a (Member) State ranged, in 2011, from 5 up to 990, and in 2010 again from 5 up to 1 360. In terms of marriages of convenience *detected* in other ways by a (Member) State, this varied, in 2011, from 5 to 130 and, in 2010, from again 5 up to 425. *Suspected* marriages of convenience in a (Member) State ranged in 2011 from 1 740 down to 35. On this basis, the available statistics support the fact that marriages of convenience do occur, but it is not yet possible to fully quantify this across all (Member) States and certainly not in a comparable manner. There are very few statistics available on false declarations of parenthood, which may be indicative that this form of misuse is rare. Alternatively, it may indicate that the problem is simply not monitored to a sufficient degree.

The concluding remarks (Section 6) outline particular issues arising from the findings of the study which policymakers in particular may wish to consider in any further deliberations, particularly in respect to the follow-up of the green paper on the Family Reunification Directive. A number of (Member) States are developing policy or amending legislation in order to (better) tackle the misuse. Whilst (Member) States use a range of approaches on a case-by-case basis, nevertheless they face many common challenges in identifying a marriage of convenience from a genuine marriage. Not only is this a sensitive matter in terms of respecting fundamental rights, and the (Member) States are fully committed to their international obligations in this respect, but also an investigation tends to be time and resource intensive with the burden of proof most often placed on the (Member) State authority(ies). The lack

of clear methodological guidelines may also hamper this process. In this respect, whilst some exchanges of information (and best practice) between (Member) States does occur, there may be scope to develop this further via a dedicated forum so that (Member) States may also have a better overview, and be updated on, the situation and practice across the EU and Norway. The lack of consistent statistics, as a result of the different approaches followed, clearly makes it challenging to share information within or amongst (Member) States in a comparable manner. However, at least a better understanding of how statistics are obtained can serve to support information exchange.

1. Introduction

This Synthesis Report presents the main findings of this first EMN Focussed Study which responded to a growing concern amongst (Member) States that the right to family reunification may be misused as a route into settlement in the EU. The aim of the Study was to identify the scale and scope of two instances of misuse, namely marriages of convenience and false declarations of parenthood, and to provide clear evidence, to the extent possible (i.e. where the misuse was detected), including available statistics, of these types of misuse, and how best to address them. The Study summarises also (Member) States' current practices in the detection and prevention of misuse.

1.1 Definitions

For the purpose of undertaking this Study, "*family reunification*" as defined in the EMN Glossary[2] has been used, i.e.

The establishment of a family relationship which is either:

(a) the entry into and residence in a Member State, in accordance with Council Directive 2003/86/EC, by family members of a third-country national[3] residing lawfully in that Member State ("sponsor") in order to preserve the family unit, whether the family relationship arose before or after the entry of the sponsor;

or

(b) between an EU national and third-country national established outside the EU who then subsequently enters the EU.

Source: Council Directive 2003/86/EC for part (a), part (b) EMN derived definition

This broader definition was used in order to cover also those instances outside of Directive 2003/86/EC, notably in Ireland, United Kingdom plus Norway, as well as to better reflect the practices in the (Member) States which often do not make a clear distinction based on EU ***acquis***, particularly when it comes to recording statistics.

A "*marriage of convenience*" is understood to refer to:

A marriage contracted for the sole purpose of enabling the person concerned to enter or reside in a (Member) State

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2 Available from http://www.emn.europa.eu under "EMN Glossary"

3 Note that, as given in the EMN Glossary, a "*third-country national*" is: "*any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the Union right to freedom of movement, as defined in Article 2(5) of the Schengen Borders Code.*" This definition means that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be third-country nationals.

Source: Council Directive 2003/86/EC (Article 16(2b))

Whilst a *"false declaration of parenthood"* is defined as:

A situation where:

(a) a third-country national declares him/herself to be the parent (father or mother) of an EU citizen or a settled third-country national knowing that this is not the case and in order to obtain or legalise his/her residence in the respective EU member state, or

(b) an EU national or a settled third-country national declares him/herself parent of a child born to a third-country national in order to obtain or legalise the child (and possibly the other parent's) residence in the EU / Norway.

Source: Derived from Section 4.2 of the *Guidance for better transposition and application of Directive 2004/38/EC* (COM (2009)313 final)

1.2 Study Scope

There are a number of scenarios in which family reunification as defined above can take place. These are principally between:

(A) a **third-country national** residing lawfully in a Member State reunifying with a **third-country national** applying to enter / reside there in order to preserve the family unit. This is regulated by Directive 2003/86/EC ("Family Reunification")[4] in all EU Member States, except Denmark, Ireland and United Kingdom, plus in Norway, where this type of reunification is a national competence. Article 16(4) of Directive 2003/86/EC provides for the possibility to conduct specific checks and inspections where there is a reason to suspect marriage of convenience or other forms of misuse.

(B) a **mobile EU citizen**, i.e. an EU citizen who has exercised his/her right to free movement, reunifying with a **third-country national** through Directive 2004/38/EC ("Free Movement") and is applicable in all EU Member States plus Norway.[5] This Directive regulates the rights of entry and residence of third-country national

[4] The EMN undertook a study in the context of this directive in 2008, see http://www.emn.europa.eu under "EMN Studies".

[5] This may include both EU citizens who have exercised their right to free movement and are still living in a Member State other than their own and those who have at some point exercised their right to free movement under Directive 2004/38/EC, but who have now returned to living in their own Member State. See judgments of the European Court of Justice of 7 July 1992 in Case C-370/90 Singh, and of 11 December 2007 in Case C-291/05 Eind

family members joining or accompanying EU citizens who have exercised their right to free movement.[6]

(C) a **non-mobile EU citizen**, i.e. an EU citizen who resides in the (Member) State of their nationality, with a **third-country national** where the EU citizenship **may give rise to the right to reside** for the third-country national family member on the basis of jurisprudence (as affirmed in the case law of the Court of Justice of the EU – e.g. Zambrano[7]/Dereci[8]/McCarthy[9]). In this instance, there may be an EU right on the basis of the Lisbon Treaty.

(D) a **non-mobile EU citizen** reunifying with a **third-country national**. The regulation of this scenario lies exclusively within the competencies of (Member) States' national law and practices.

The Study focuses, to the extent possible, on findings of relevance to the first scenario (A) in keeping with its aim to inform the aforementioned Green Paper on the Family Reunification Directive 2003/86/EC. Whilst misuse may take various forms, the specific focus is on marriages of convenience and false declarations of parenthood, as defined in Section 1.1.

1.3 Policy Context

The right to family reunification is guaranteed under international human rights treaties to which all (Member) States are party to. Migration of third-country nationals to EU Member States and Norway for family reasons is significant. In 2010, for example, 30.2% (or 747 765) of the almost 2.5 million first residence permits[10] issued to third-country nationals by EU Member States, were for family reasons.[11] By comparison, 32.5% of the total number of permits issued were for remunerated activities, 20.6% for study and another 17% for various other reasons (including protection-related reasons, residence without the right to work, etc.). Thus

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6 Article 35 of this Directive allows Member States to take effective and necessary measures to fight against abuse, such as marriages of convenience, by refusing, terminating or withdrawing any right conferred by the Directive. The Directive also contains a definition of marriages of convenience as marriages contracted for the sole purpose of enjoying the right of free movement and residence under the Directive that someone would not have otherwise (recital 28). The Commission published in 2009 guidelines for the better transposition and application of Directive 2004/38/EC (COM(2009) 313 final – available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF. Section 4 of these guidelines, on abuse and fraud, outlines relevant case-law of the European Court of Justice and specifies inter alia the meaning of the prohibition under EU law of systematic checks and of the requirements related to the burden of proof and identifies indicative criteria to be considered as possible triggers for investigation of individual cases and suggesting the likelihood of abuse.

7 Judgment in Case C-34/09, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009C0034:EN:HTML

8 Judgment in Case C-256/11, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CJ0256:EN:NOT

9 Judgment in Case C-434/09, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009C0434:EN:HTML

10 Statistics taken from Eurostat – "first residence permits" refers to residence permits issued for the first time to a third-country national – this may include third-country nationals who have previously resided in the EU under a different resident permit (i.e. for a different purpose – note that this does not include renewals).

11 Covering both reunification of third-country national children, spouses and other family members to legally-resident third-country nationals and family reunification of such family members to EU citizens (mobile and non-mobile). For **Norway**, corresponding figures are 9 670, of which 9 570 were third-country nationals reuniting with a third-country national.

family reunification accounts for a significant proportion of all migration and is of increasing importance politically.

Whilst family reunification helps to foster socio-cultural stability by facilitating the integration of third-country nationals within (Member) States, and promotes economic and social cohesion, there are increasing concerns about the possible misuse of family reunification as a means to enter and reside in (Member) States.

In November 2011, the Commission published a Green Paper on the right to family reunification as set out under Directive 2003/86/EC and initiated a public consultation on the future of this EU instrument.[12] With regards to the misuse and fraud, the consultation aimed to obtain clear evidence (including statistics) of the scale of the perceived problem of marriages of convenience between third-country nationals in the EU, and to explore how the provisions on checks and inspections set out in the Directive (Article 16(4)) could be more effectively implemented. The public consultation closed on 1st March 2012 and a public hearing[13] was held on 31st May – 1st June 2012.

1.4 Previous Studies[14]

To date there have been few studies published to determine the nature and scale of misuse of the right to family reunification through marriages of convenience. In relation to false declarations of parenthood, this is even more limited.

In 2008, an EU-funded project entitled ARGO[15] aimed to bring together a 'common analysis' of the scale of misuse of marriage across 11 Member States[16] and to come up with subsequent recommendations for 'common preventive actions.' The focus of the study was on marriages of convenience between third-country nationals and (mobile) EU citizens to obtain residence in another EU Member State, but it also included marriages between third-country nationals. Whilst the study was limited by methodological problems, lack of statistics and incomparability of systems, it suggested that marriages of convenience existed in all Member States, but varied in intensity between them. It also found that, while most marriages of convenience were arranged by the individuals concerned, some had resulted from organisation and facilitation, implying criminal involvement.

More recently, in 2010, the Norwegian Directorate of Immigration commissioned a comparative study into marriages of convenience across five European countries.[17] The study found that definitions of marriage of convenience differed across the countries studied, and that each country placed different requirements on sponsors and applicants hoping to reunify, for example, concerning language skills, the

12 See http://ec.europa.eu/home-affairs/news/consulting_public/consulting_0023_en.htm, also for the various contributions received.

13 See http://www.eesc.europa.eu/?i=portal.en.events-and-activities-european-integretion-forum-7, also for the various presentations made.

14 A listing of the bibliography relevant to this study is given in Annex I.

15 ARGO action programme on «Cooperation in the combat against abuse or misuse of EU administrative statutes»

16 Austria, Belgium, Denmark, Estonia, Latvia, Netherlands, Portugal, Romania, Slovenia, Sweden, United Kingdom

17 Norway, Denmark, Germany, Netherlands and Sweden. Report available from: http://www.udi.no/Global/upload/Publikasjoner/FOU/R-2010-053_SAA_Marriages_of_convenience.pdf.

financial situation of the sponsor, ties to the country, etc. There were also differences in practices to detect marriages of convenience. The study also identified differences in the national responses to detected cases of abuse and in the rights of appeal for accused couples.

Also in 2010, the Commission Internationale de l'Etat Civil published its study on marriages of convenience within its participatory states.[18] Information was provided on national legislation in four areas: rights to entry and residence for spouses; rights to nationality and any special rights for people married to nationals; preventative measures to stop marriages of convenience/forced marriages; and civil, penal and administrative sanctions for proven cases.

The Family Reunification project,[19] funded under the European Union's Integration of Third-Country Nationals Programme and running from Autumn 2011 to Spring 2013, aims to conduct research on how admission laws and different patterns of migration impact on integration, and to promote admission policies that favour the effective integration of third-country nationals within EU Member States.

Finally, family reunification (and its misuse) has been a topic raised in a number of EMN Ad-Hoc Queries[20] and the information collected via these queries has also been incorporated into this Synthesis Report.

[18] Bogus Marriages: A Study on Marriages of Convenience within ICCS Member States, available from http://www.ciec1.org/Etudes/Fraude/MariagesSimules-ENG-sept2010.pdf. The study covered 12 EU Member States (Belgium, France, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Poland, Portugal, Spain, United Kingdom) plus Croatia, Switzerland and Turkey.

[19] See http://familyreunification.eu/. The project involves organisations from seven EU Member States (Austria, Bulgaria, Germany, Ireland, The Netherlands, Portugal and the United Kingdom).

[20] A full list of all Ad-Hoc Queries launched on this topic is provided in Annex I. These, and other queries launched by the EMN are available from http://www.emn.europa.eu under "EMN Ad-Hoc Queries".

2. National legislative framework for preventing misuse of right to family reunification

This Section will outline those provisions in national legislation specifically for addressing misuse.[21] All (Member) States – except for **Ireland**[22] – provide for the prevention of misuse of the right to family reunification, to some extent, in their national legislation. Indeed, many of the provisions relating to family reunification are intended to act as safeguards against misuse of family reunification – for example, provisions on maximum and minimum age for reunification, proof of cohabitation and family relationship. **Italy** also notes that such provisions – e.g. the provision that a person may only reunify with a spouse if s/he is at least 18 and only an unmarried child may reunify with their parents – help to prevent forced marriages and "chain reunification."

In **Finland**, **France**, **Hungary**, **Netherlands**, **Spain** and **Norway** further measures are provided through specific legislation or policy documents. For example, the Government Bill 240/2009 in **Finland**; Act no. 2006-1376 of 14 November 2006 relating to checking of the validity of marriages in **France**; the Marriages of Convenience (Prevention) Act in **Netherlands**; and instructions from the Ministry of Justice and Public Security (GI 2010-001) in **Norway**. Such legislation outlines the rights of authorities to act in these situations, as well as the penalties that can be applied in cases of abuse, and provides a number of safeguards in relation to cohabitation and the relationship between the sponsor and applicant.

In **Hungary** the concept of establishing family ties of convenience was incorporated in the grounds for rejection and revocation of residence card under Article 8 (2) of Act CXXXV 2010, which entered into force on 24 December 2010. Similarly, in **Poland**, the same concept was incorporated in the provisions of the Act on Foreigners of 13 June 2003. **Spain** issued three related instructions from the General Directorate for Registries and Notaries; one in 1995 on dossiers

[21] Details of national provisions, including those transposing where relevant EU acquis, for other aspects of family reunification may be found in the respective National Contributions and/or previously cited studies.

[22] In **Ireland**, a legal case in 2011 (*Izmailovic & Anor v The Commissioner of An Garda Síochána*) found that 'marriages of convenience' are not unlawful in Irish law and the Gardaí are not empowered to prevent their solemnisation.

prior to marriage when one of the intended spouses resides abroad, and two in 2006 on the prevention of documentary forgery with respect to civil status and on marriages of convenience.

The concept of marriage of convenience is defined in the civil legislation of **Belgium**, **Latvia** and the **Netherlands** and in the immigration law of **Estonia**, **Lithuania**, **Slovak Republic**, **Sweden**, **United Kingdom** and **Norway**. In **Austria**, various provisions in their immigration and civil law deal with marriages of convenience and /or misuse of the right to family reunification. In other (Member) States, the concepts can be derived from the provisions relating to the prevention of these forms of misuse. They are primarily understood to be marriages (or partnerships / cohabiting relationships) entered into with the sole purpose of residing legally in the (Member) State. **France** also refers to 'grey marriages' – i.e. those in which one spouse believes the marriage to be genuine, whilst the other is using the marriage for a purpose other than to create a family unit.

Fewer Member States define false declarations of parenthood in legislation – those that do include **France**, **Lithuania** and the **Netherlands**. Concepts can also be derived from legislation in most other (Member) States, e.g. **Finland** and **Germany**, plus **Portugal** where the Penal Code contains provisions related to the falsification of civil status in general.

2.1 Recent and upcoming legislative changes in relation to family reunification and prevention of misuse

Several Member States have either recently introduced or are planning to introduce legislation outlined below, which has (or will have) an impact on preventing misuse of the right to family reunification.

The **Czech Republic** introduced new provisions on entry and residence of third-country nationals, which further specified the categories of family member and abolished the 'preferential' treatment of families of Czech nationals who had until then the right to be granted permanent residence following reunification. This is now only possible after a two year period has elapsed. They also introduced a new type of criminal offence, which allows the prosecution of persons aiding foreign nationals to obtain illegal residence through marriage of convenience and false declarations of parenthood. In **Finland**, the provisions pertaining to family reunification applications in the Aliens Act were changed to provide that applications are lodged personally by applicants visiting a Finnish embassy. These entered into force in 2012. **France** recently introduced the Act of 16 June 2011 on immigration, integration and nationality, which made the so-called 'grey marriages' punishable under criminal law.

In **Italy**, the Law 94 of 2009 introduced stricter requirements for the acquisition of Italian citizenship through marriage to an Italian citizen. They also introduced amendments to the Italian Civil Code providing that the applicant must show to the registrar a valid residence permit. However, this was declared unconstitutional on the basis of the European Convention of Human Rights (ECHR) by the Italian Constitutional Court in July 2011. Parliamentary documents published in the

Netherlands in 2008 and 2011[23] in response to a specific case of misuse of family reunification (family members of third-country nationals with an asylum permit) strengthened the obligation on applicants in the case of reunification between two third-country nationals to prove that they formed part of the family prior to the departure of the sponsor and made it more difficult for foster children to be granted a residence permit for family reunification. In Spain, the legislative reform carried out in the Aliens Act in late 2009, introduced a new scenario of serious offences that included simulating marriage/relationships or purporting oneself as a legal representative of a minor with the purpose of irregularly obtain residence rights.

Nine Member States (Belgium, Cyprus, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, United Kingdom) plan changes to policy or legislation. Belgium announced upcoming changes in legislation and practice in the policy paper presented by the New State Secretary for Asylum and Migration and for Social Integration in early January 2012. The expected changes include the setting up of a database gathering relevant information for all stakeholders involved in the fight against marriages / legal cohabitations of convenience; the introduction of provisions to deal with legal cohabitations of convenience in the same way as marriages of convenience; information-sharing; further interlinking and integration of criminal, civil and administrative processes; and the reinforcement / intensification of controls during the three-year period following the granting of a residence permit. Cyprus is currently drafting legislation which will require submission of documentation; authorise the registrar to perform a pre-marriage interview; and allow the Minister of Interior to sanction Marriage Officers who contract marriages contrary to the provisions in law. Ireland's proposed Immigration, Residence and Protection Bill (2010) contains a number of measures regarding marriages of convenience, such as further elaboration and specification of the indicators that may trigger investigation and a definition of marriage of convenience.

In Latvia, the current legal basis does not provide for penalties for organising or participating in marriages of convenience (except where human trafficking is involved). However, criminal law provides penalties for a person who has abused the legal right to reside in Latvia, and amendments to their Criminal Law are under development to make the same penalties apply when the offence is committed not only in Latvia, but also in any other EU Member State, EEA country or Switzerland, punishable by imprisonment for up to one year, or forced labour, or a fine. Where two or more people are involved, or if committed by a group of persons, imprisonment may be up to three years, or forced labour, or a fine. Lithuania plans to introduce amendments to immigration legislation to provide for the revocation of residence permits of a family member of an EU citizen – currently the law only allows for revocation in cases where a permit has been issued to a family member of a legally resident third-country national.

In Luxembourg a bill on forced marriages and marriages of convenience (Bill no. 5908/00), which was first presented in July 2008, is still being debated. The Bill proposes an increase in the capacity of officials to prevent marriages of convenience that are carried out not only for family reunification purposes, but also for tax, social and professional purposes, and makes them a criminal offence.

[23] Parliamentary Documents II, 2008/09, 19637 no. 1261 (letter dated 3-4-2009) & Parliamentary Documents II, 2010/11, 19637 no. 1408 (letter dated 31-3-2011).

In the Netherlands, amendments to the Aliens Decree which were proposed in February 2012 are aimed, in part, at reducing the misuse of family reunification by extending the period after which an independent right of residence can be granted to family members from 3 to 5 years. Other legislative proposals are also being debated.

In Poland, it is expected that the upcoming Act on Foreigners will introduce provisions to require the authorities to determine whether a family relationship is entered into or exists in order to circumvent national legislation on residence permits. Under current law, a regional authority (voivode) may examine whether a marriage has been concluded for the purpose of obtaining the residence permit only if the circumstances of the case indicate the possible infringements of the law.

Finally, the government of the United Kingdom has proposed changes that would affect spouses and partners applying for family reunification. The proposed changes include defining more clearly what constitutes a genuine and continuing marriage or partnership to help identify marriages of convenience more clearly; extending the probationary period before spouses and partners can apply for settlement from two years to five years; the introduction of powers to delay a marriage from taking place where marriage of convenience is suspected so this can be investigated; and considering the case for restricting a sponsored spouse (or partner), within five years of obtaining settlement, from sponsoring another spouse (or partner).

3. The situation in the (Member) States

This Section gives an overview of the situation in the (Member) States, starting with perceptions (Section 3.1), then identified reasons and motivations (Section 3.2); preventative measures (Section 3.3); responsible national authorities (Section 3.4); the detection (Section 3.5) and investigation (Section 3.6) of misuse; evidence required to prove misuse (Section 3.7); penalties imposed (Section 3.8) and the right to appeal (Section 3.9).

Note that each of these sub-sections is further broken down to first address marriages of convenience and then false declarations of parenthood, except in Section 3.1 where a brief overview of other types of misuse (Section 3.1.3) that have been identified is also given in order to provide some context.

3.1 Perceptions of the Extent of Misuse

3.1.1 Marriages of Convenience

Marriages of convenience are recognised as an issue in all (Member) States, most notably from a political perspective and from reporting in the media, as highlighted in the following examples.

In **Belgium**, the need to combat marriages of convenience has received substantial political attention, which led to the amendment of legislation to deal with the phenomenon in 2011 (see Section 2). **Cyprus** monitors marriages of convenience closely (an Advisory Committee for Marriages of Convenience was set up in 2003) and has observed a notable growth since 2005. In the **Czech Republic**, evidence, such as research undertaken by the interagency Analytical Centre for State Border Protection and Migration (Anacen), shows a growing trend of misuse of the right to family reunification (both marriages of convenience and false declarations of parenthood), in particular following EU accession, and competent national authorities have begun to discuss how the issue may be tackled. In **Estonia**, the scale of the problem is also unclear, although the media and other modes of communication (e.g. the website of the Security Police Board) have been used to warn Estonian women from entering into marriages of convenience either for money, or by accident (i.e. through being misled into one). Similarly in **Hungary**, **Lithuania** and **Malta**, the scale of the problem is also unclear although, as with **Cyprus** and **Czech Republic**, it seems that the problem grew following accession to the EU.

The topic has received media attention in **Finland**, but there has also been recent case law on the topic (in 2011) and the Ministry of Interior commissioned a project (also in 2011) to examine the family reunification provisions, with the Finnish Immigration Service estimating the number of negative residence permit

decisions on the grounds of suspected marriages of convenience to be 250 per year. Also in **Finland** (and **Hungary**) there is evidence that individuals entering into marriages of convenience meet online – in some of these cases one of the individuals concerned may not be aware that the marriage has not been contracted for family purposes.

In **France**, marriages of convenience have featured many times on the political agenda and two working groups were launched in 2009 and 2010 to specifically deal with the issue. Marriages of convenience – or "paper marriages" as they are called – have also received notable media attention and an NGO, *"Non aux mariages et paternités de papier,"* is dedicated to combating abuse of the right to family reunification. There are also, in some cases, the previously mentioned 'grey marriages.'

Migration and civil registry authorities in **Ireland** have noted a growth in marriages of convenience, particularly between non-Irish EU citizens and third-country nationals, but also in other scenarios (e.g. between two third-country nationals, or between an Irish citizen and a third-country national). There has been criticism of visa offices applying 'Western standards' of how relationships develop when addressing applications, although there is no evidence to suggest that such treatment has led to allegations of a marriage of convenience.

Marriages of convenience received public attention in **Germany** throughout the 1990s, while currently they are debated primarily within the parliaments of the Federal Länder. However, regional 'foreigners authorities' have been criticised (e.g. by the Association of Bi-national Families and Partnerships) for being overly mistrustful or suspicious of bi-national marriages and failing to sufficiently observe a couples' right to a private and family life. NGOs levelled similar criticism against authorities in **Austria**, whilst in **France** and **Ireland**, migrant support organisations and other NGOs have aired criticism over the restrictive measures brought in to prevent marriages of convenience (**France**) and media-reporting (**Ireland**).

In **Italy**, the extent to which marriages of convenience are perceived to be a problem is dependent on the level of attention received in the media. For example, there have been estimates in the media that marriages of convenience account for 1-2% of all marriages, but this figure is considered to be greatly exaggerated. By contrast, marriages of convenience feature rarely in the media in **Poland**, although there is growing evidence of them occurring.

While very few marriages of convenience take place in **Latvia**, there is an issue of Latvians (usually woman) residing in other Member States and third countries entering into marriages of convenience. According to the Latvian Police, on average, one female citizen of Latvia is recruited daily for conclusion of a marriage without the purpose of establishing a family. Latvian diplomatic and consular representative offices abroad also act as a source of information in this regard. There have also been incidences of female citizens from the **Slovak Republic** contracting marriages of convenience with third-country nationals in other EU Member States for financial

gain – for example, in the **United Kingdom** with men of Pakistani or Nigerian origin. In **Lithuania** itself, there have also been instances of their female citizens marrying men from Pakistan.

In **Luxembourg** marriages of convenience are a marginal issue.[24] However, there is a possibility that the number of instances could rise as proposed new legislation on family reunification (see Section 2.1) would introduce stricter conditions.

Marriages of convenience are also considered a minimal issue in **Portugal**, **Slovak Republic** and **Sweden** and are rarely reported in the media there. A study carried out in **Sweden** in 2005 also suggested that, while marriages of convenience exist, there are actually few cases ever discovered and the resources placed to detect them were disproportionately greater than the outcomes achieved.

In **Spain**, the Public Prosecutor's Office has detected an increase in the number of registered partnerships and canonical marriages between irregular migrants and Spanish nationals or legal residents, some of which have been found to be fraudulent.

The prevention of marriages of convenience is a policy priority in the **United Kingdom** amid concerns about its use to gain access to free movement rights and circumvent more stringent domestic immigration controls and due to the potential impact on the national taxpayer, through providing access to UK services and social benefits. The UK Border Agency has undertaken considerable operational activity to tackle such marriages, for example, by working closely with Registry Offices and the Anglican Church.

As well as individuals operating for their personal gain, there is evidence that Organised Crime Groups (OCG) are involved in arranging marriages of convenience in some Member States. In **France**, between 2009 and 2011, 16 organised crime groups operating irregular migration networks and organising marriages of convenience were identified. At least two OGCs arranging marriages of convenience were also discovered in **Poland** between 2009 and 2011. The **United Kingdom** undertook operations and arrests made in relation to OCGs coordinating marriages of convenience. The involvement of such groups in arranging marriages of convenience was also reported by the media to be taking place in various towns in **Italy** (Messina, Modica and Verona) in 2011.

3.1.2 False Declarations of Parenthood

In general, false declarations of parenthood are considered to be a much smaller phenomenon and less common in the EU than marriages of convenience, although the phenomenon is recognised as an issue in **Austria**, **Belgium**, **Czech Republic**, **Finland**, **France**, **Germany**, **Hungary**, **Netherlands**, **Poland** and **Portugal**. In **Norway**, cases of false declarations of parenthood have been detected and in **Malta** there have been suspected cases.

[24] The Bill (5908) on marriages of convenience stated that marriages of convenience were a regular phenomenon, but when questioned by other Members of Parliament, the former Ministry of Justice M. Luc Frieden, who initially proposed the Bill, said that they did not have statistics.

The Office of General Prosecutors in **Belgium** released a report to the parliamentary committee in 2011, which referred to "a continuing increase in recognitions by non-biological fathers illegally residing in the country." On 17 October 2011 a draft resolution on the issue of false recognitions of paternity was presented to the House of Representatives; the report stated that "there is no doubt that fraudulent recognitions, i.e. recognitions only intended to regularise the situation of one of the partner, are common."

The most notable case of false declarations of parenthood in **France** occurred on the French territory of Mayotte. Migrant women came to the territory irregularly to register the birth of their child hoping to legalise their stay in doing so. The fraudulent activity was identified because the number of recognitions of paternity increased six-fold between 2001 and 2005 in comparison to the number of births, which grew to around 115% between 2001-2004. This suggested that many of the recognitions were false and led to the introduction of a provision in which the spouse of an irregular migrant has to pay for maternity expenses.

Few people have been proven to have made false declarations of parenthood in **Germany**. For example, to date 360 cases of suspected false declarations have been reported to the immigration authority in Berlin, of which, in 148 cases, proceedings to contest the paternity were instituted with only two successful contestations – i.e. less than 1% of suspected cases were found to be actual. This may be, in part, due to the fact that – unless a child's welfare is at risk – a child will rarely be separated from its family, an approach consistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms. However, such conventions may sometimes be misused in order to obtain residence permits fraudulently.

Hungary provides no information on the scale of the issue, but argues that false declarations of parenthood have most often taken place between adults of Asian origin (primarily Vietnamese and Chinese nationals) staying irregularly in Hungary who claim to be the parent of a Hungarian child aged 6-8 years in order to establish a legal status as a family member.

In **Luxembourg**, while there is no information available to suggest false declarations of parenthood have taken place, the Council of State's opinion on Bill n° 5908 considered that the false declaration of parenthood must be considered as a criminal offence.

Between 2008 and 2009, the **Netherlands** experienced some misuse of the asylum procedure whereby third-country nationals with international protection status submitted applications to be reunified with third-country nationals who did not actually form part of the family in the country of origin. For example, reports were often made of foster children that had supposedly been taken into the family, whereas this was not actually the case.

In **Poland**, it was suspected that misuse had occurred in one case in which a permit for tolerated stay was granted to a third-country national child who could not be removed from the country due to a lack of documentation. After the child was later provided with a permit for tolerated stay, an application for residence was submitted by a person claiming to be the child's father with whom the mother allegedly had not had contact before, but whom she had married.

In Portugal, national authorities responsible for granting visas, residence permits and citizenship report that false declarations of parenthood have increased. However, there is still a lack of political, as well as academic and media, attention given to the topic.

The General Register Offices (GROs) in the United Kingdom encountered instances of suspected false registrations of paternity, e.g. in order to secure the legal status of a non-EEA male. However, suspected numbers are very low and there is no way of knowing which, if any, of the cases are indeed false declarations of parenthood.

In Norway a child under the age of 18 may be granted a residence permit when it is substantiated that the child is an "established member of the household." However, it is often difficult or impossible to decide whether this is the case, thus providing a possibility of misuse.

3.1.3 Other Forms of Misuse

Whilst not the main focus of this study, other forms of misuse of the right to be reunified with a spouse were also reported. For example, in the Netherlands, persons who have undergone a consular marriage have a right to family reunification. A consular marriage is one that is solemnised at an embassy or consulate of the country of origin of one of the spouses, in a situation where neither spouse has Dutch nationality. In 2009, an increase was observed in the number of consular marriage certificates presented for authentication, relating particularly to marriages between Egyptians and EU citizens. These were investigated and 85% of the (more than 200) cases investigated were rejected because of fraud. Since then, applications for consular marriages have decreased.

The Czech Republic and Hungary note that family members other than spouses or children (e.g. siblings, parents, relatives of the spouse/family member) who obtain the right to reside in the EU, may also misuse this right by using it primarily as a means to enter and stay in or repeatedly re-enter the EU, rather than in order to maintain the family unit. Additionally the Czech Republic has cases in which a false declaration of parenthood has been made, which then resulted in abandoned children having no guardian to look after them.

In Portugal, misuse has occurred where a family member alleged to be financially dependent has subsequently carried out remunerated activities, thus violating one of the conditions in Portugal for granting the right to family reunification. Associated with this approach is the practice of adults who are dependent on the holders of family reunification status applying subsequently for reunification with their spouse or children.

In the United Kingdom, there is evidence that marriages between some third-country nationals may have taken place to provide evidence of established family ties needed to support an asylum case. These marriages would not result in access to EEA treaty rights but are an example of where marriage may be used to create a barrier to removal.

In Norway cases of misuse have been reported whereby two adults who claim to be spouses may actually be siblings (mis)using the rules for family reunification. In some cases, DNA testing has been carried out to test for this situation.

In relation to misuse of the right of a parent to be reunified with a child, Finland, France, Italy and Poland, report some specific cases. In France, for example, legislation does not allow for reunification of a minor third-country national with a person other than the legal mother or father, even where parental authority has been granted by the parents to a guardian. This provision meant that Muslim children entrusted to a family under the tradition of 'kafala' could not be reunified with their guardian. However, jurisprudence recently ruled that, when it is in the child's interest, this may be allowed. There is a concern in France that this new form of using family reunification may pose a risk of future misuse.

Italy has identified potential misuse through persons applying for family reunification as minors who may actually be adults. The Italian Court of Cassation ruled that Italian consular representatives may take all necessary means including a bone densitometry exam to investigate these cases and to ascertain proof of age. However, a Ministry of Interior Circular of 9 July 2007 stated that if the investigation 'has a margin of error', then, to protect the child, a minor age will be assumed, i.e. the welfare of the child will be considered a priority. Falsification of age has also been recognised as a problem in Finland and Poland and there have been cases in which third-country nationals have used false medical certificates of a (in fact non-existent) pregnancy in order to obtain a residence permit by the child's 'father'.

Austria, Belgium and Finland recognise the existence of misuse through 'adoptions of convenience,' although in all cases, other than Finland, the evidence of this is quite limited. Finland describes a situation whereby an individual is presented as a foster child, but in reality is a second wife or a domestic worker – these cases tend to have elements of human trafficking in them. Finland also refers to a form of misuse called the 'anchor child phenomenon' whereby an unaccompanied child is sent to Finland against their will to obtain a residence permit and subsequently apply for residence permits for the family members on the basis of family ties. This form of misuse involves circumvention of the rules on entry, and trafficking in women and children, and is particularly common in the asylum process.

The Czech Republic has observed a trend in which genuine family members (usually wives of third-country nationals residing in the Czech Republic) apply for a long term residence permit on the basis of family reasons, to use for repeated short-term stays without having to apply for the otherwise necessary short-term visa when visiting their relatives. Hence, while the family link is genuine, the process is being misused.

Similarly, Hungary has detected a significant issue in relation to the presentation of false and forged documents to substantiate *genuine* family links, where documentation from the country or origin may not be available or capable of validation. In this sense, there exist different types of misuse of the right to family reunification in cases where (a) the relationship is false, but documents (e.g. marriage certificate, adoption certificate) may be genuine; (b) the relationship is genuine, but the documents are false; (c) (related to b) where the relationship is genuine, but the method used for entering is flawed/misused – e.g. family reunification shopping (the

Europe route) / unaccompanied minors (UAMs) attempting to reunify with parents (this is allowed in some cases, but not – e.g. – if the UAM has previously declared his/her parents missing).

3.2 Identified Reasons and Motivations

3.2.1 Marriages of convenience

The majority of (Member) States provided information about the motivations for the sponsor and applicant in contracting a marriage of convenience, although, on the whole, this was not evidenced through formal channels. Exceptions are for **Portugal** and **Norway**, which cite published studies; **Austria**, **Germany** which referred to interviews; and **Italy**, **Netherlands** who made use of reporting in the media.

For the sponsor, the main motivations, cited by **Austria**, **Belgium**, **Bulgaria**, **Czech Republic**, **Cyprus**, **Estonia**, **France**, **Hungary**, **Italy**, **Latvia**, **Lithuania**, **Luxembourg**, **Malta**, **Poland**, **Portugal**, **Slovak Republic**, **Spain**, **United Kingdom** and **Norway**, were for economic and financial reasons, and these appeared to also be the reasons most frequently cited in the media. For **Germany**, the political debate has mainly referred to economic motivations as well. In the **Czech Republic**, the available evidence suggests that Czech nationals consenting to a marriage of convenience come typically from poor socio-economic backgrounds and are often single mothers, sometimes with a history of offending; the marriage of convenience is used to improve their weak financial situation and gain financial benefits.

Italy cites specific examples of financial transactions, alluding also to organised crime, where an applicant may pay a considerable sum to organised criminals (€5 000-€10 000) and where a small proportion of this (some €1 000-€2 000) is then subsequently paid to the (Italian) sponsor. The **United Kingdom** also refers to organised crime, and cites anecdotal evidence that migrants targeting marriages of convenience as a migration route may seek the assistance of individual facilitators or organised crime groups, of varying size and structure, demanding fees ranging from £2 000 – £20 000 (some €2 400-€24 000).

Malta, **Netherlands** and **Norway** refer to situations involving coercion, where both sponsors and applicants may be compelled into a marriage of convenience. **France** cites examples where individuals may be 'tricked' into a so-called 'grey marriage.' **Austria**, **Czech Republic**, **Hungary**, **Poland** and **Spain** also cite cases where the sponsor may enter a marriage unaware that the motivations of the applicant may be solely to obtain a residence permit.

Other motivations include helping out an acquaintance or friend (cited by **Estonia**, **Italy**, **Latvia** and **Norway**), desire to help immigrants stay (**United Kingdom**) and also compassionate or humanitarian grounds, or idealism (**Germany**, **Spain** and **Norway**) where the sponsor disagrees with the authorities or the immigration rules. **Netherlands** cites cases of Dutch women marrying third-country nationals to assist them to gain lawful residence. The **Czech Republic** has highlighted the desire to achieve a legal change of name, for example, where a person is listed as a *persona non grata* in the Schengen Information System (SIS) and the need to resolve an irregular situation, for example, where a removal order

has been issued, as further motivations for misuse. **Italy** cites marriages of convenience between older sponsors and younger third-country nationals, where the motivation was for the younger third-country national to act as a carer for the older sponsor. **Latvia** cites a case where two married third-country nationals who had once lived in Latvia, but had later emigrated, wished to return to Latvia, but were prevented by national law which does not provide for re-migration. The couple subsequently divorced and the wife married a friend (who was, possibly, motivated by remuneration), while the husband married the mother of his divorced wife, whose motivation was to help her daughter and son-in-law to return to Latvia.

In terms of the motivations of an applicant, the majority of (Member) States (**Belgium**, **Estonia**, **Finland**, **France**, **Hungary**, **Ireland**, **Italy**, **Lithuania**, **Luxembourg**, **Malta**, **Netherlands**, **Portugal**, **Slovak Republic**, **Spain**, **Sweden**, **United Kingdom**) were able to provide some information, although again this was not firmly evidenced in all cases. Overall, the main motivation cited was to obtain the right of residence (**Belgium**, **Czech Republic**, **Estonia**, **France**, **Italy**, **Luxembourg**, **Malta**, **Slovak Republic**, **Spain**, **Sweden** and **United Kingdom**) and associated benefits (**France** and **Malta**), to avoid paying fines for overstay (**Portugal**) or to remain in the EU (**Hungary**, **Portugal**).

Italy has suggested that the family reunification 'route' may provide, by virtue of the family unit principle, a more secure migration channel when compared with others (e.g. employment), or have previously failed, or where the loss of employment and thus residence rights have resulted in an irregular situation. **Italy**, **Lithuania** and **United Kingdom** have also suggested that marriage of convenience offers a more stable and protected route than other channels of irregular migration (**Italy**), or may be an easier and, in some cases, a cheaper way, to obtain immigration status than other routes (**United Kingdom**). **Sweden** also suggests that the practice may stem from the lack of legal channels for migration.

The analysis of reports of suspected marriage of convenience by registrars in the **United Kingdom** suggests marriage abuse may be motivated by the desire to extend stay for those whose leave to remain has expired, or is close to expiry, and who may have exhausted all other means of extending their stay. This was found to include a high proportion of students, and seasonal trends were apparent, with peaks corresponding to the end of courses of study. Visitors and asylum applicants accounted for only 1% and 2% respectively.

3.2.2 False Declarations of Parenthood

Information about the motivations of both sponsors and applicants appear to be less well developed and reported than for marriages of convenience. Only **Belgium**, **Czech Republic**, **Finland**, **France**, **Malta**, **Portugal** and **Spain** were able to cite any specific reasons in relation to sponsors and applicants. These predominantly related to financial and economic reasons, for example, for direct payment (**Czech Republic**); claims for benefits, such as family allowances (**Belgium**); and to benefit from citizenship (**France**). Such motivations may be drawn from the desire to obtain greater legal rights for a minor (third-country national), or, a more favourable legal status for the alleged parent, resulting from the recognised status of the child, for example, if the child is an EU citizen (**Spain**). Indeed, **Ireland** has suggested that

policy and/or legislative immigration changes, such as cases applicable under the European Court of Justice Zambrano judgment (C-34/09) and previously cases under the Irish-born Child (IBC/05) Scheme, may act as incentives for false declarations of parenthood. Other possible motivations may include legalisation of stay of foreign nationals already in the territory (but for a different purpose); to prevent a negative international protection ruling; and with the intention of regularising an irregular residence situation (**Czech Republic**).

3.3 National Means of Preventing Misuse

3.3.1 Marriages of Convenience

Some (Member) States have specific processes in place to prevent the completion of fraudulent applications in relation to reunification between spouses.

In **Belgium**, third-country nationals applying for family reunification at an embassy may be denied a visa where the Migration Board finds evidence, for example, through questionnaires and interviews, to suggest a marriage may be of convenience. A marriage certificate drawn up abroad may not be recognised if evidence is found that it was established with a view to evading Belgian law. There is also regulated inter-institutional information sharing between the immigration office and civil registrars, notably where a civil registrar receives a declaration of marriage involving an irregularly staying foreign national and where a civil registrar refuses to celebrate a marriage which is suspected to be of convenience.

In the **Czech Republic**, these also include measures taken by embassies, which act as a filter, including the collection of facts and interviews, measures taken by the Department of Asylum and Migration Policy, including checks on family ties, information about lifestyle, national and religious traditions, interviews conducted with foreign nationals and their partners, interviews with spouses and document verification; plus measures taken by the Police, including inspections in registered residences, places of employment, schools, municipal authorities, and cross-checks with police information systems. The Aliens Police may also make a home visit, which occurs in **Hungary**, **Italy**, **Malta** and **Slovak Republic** as well.

The Advisory Committee for Marriages of Convenience in **Cyprus** is responsible for advising the Director of Civil Registry and Migration Department whether the marriage is one of convenience or not. **Estonia** invests in training and cooperation between different authorities, such as the Ministry of Foreign Affairs, Estonia's foreign representations, and the Security Police Board, in order to discover and prevent further marriages of convenience.

In **Finland**, the LAMA group (which brings together the National Police Board, the Police, the Finnish Border Guard, the Finnish Customs, the Finnish Immigration Service, the Ministry of the Interior, the Ministry of Social Affairs and Health and the Ministry for Foreign Affairs), ensures interdepartmental cooperation on irregular migration, including marriages of convenience. **Finland** also carries out case-by-case assessments of marriages purported to have taken place abroad (by checking the registers of the third countries concerned) and of documentation, such as a marriage, divorce or death certificates through the National Bureau of Investigation's forensic laboratory.

Non-governmental organisations may also play a role in prevention of misuses of the right to family reunification. For example, in **France** the association *"Non aux mariages et paternités de papier" (No to paper marriages and parenthood)* campaigns against marriages of convenience and in particular 'grey marriages.' However, it should be emphasised that its actions may differ in approach and purpose to those carried out by the authorities, although their end-goals may overlap.

In **Germany**, action was taken against a website[25] that was advising couples on how to deal with Immigration Authority interviews and was considered to be thus propagating marriages of convenience. **Ireland** underlines the importance of training of staff dealing with family reunification – for example, such training has been issued to staff members of the Refugee Applications Commissioner, who are responsible for issuing relevant authorities with a report on the relationship between the refugee and the family member applying for reunification.

Latvia refers to awareness-raising amongst Latvian citizens who may potentially enter into marriages of convenience in other EU Member States either for financial gain, or against their own will if they are tricked into the situation. Latvian consular officials also cooperate with authorities of other Member States (e.g. **Ireland**) and evaluate applications for marriages with third-country nationals in order to identify cases of fraud. In **Luxembourg** there are no provisions through which authorities may prevent marriages of convenience, except in cases when the documents have been forged, as civil registrars cannot refuse to marry a couple and the public prosecutor has no legal basis to oppose it, even if it is suspected that the marriage is not genuine.

In the **Netherlands**, a staggered system of checks is in place. First, when an application for stay is submitted, the sponsor will be asked to complete a questionnaire about his/her relationship with the applicant, their residence history and any previous relationships. The answers may prompt further investigation, e.g. a simultaneous interview with both partners. Where necessary, applicants can be interviewed at the Dutch diplomatic post in the country of origin or before the desk of the Immigration and Naturalisation Service (IND) for further questioning. In response to a detected case of misuse of the right to family reunification, staff were posted to the diplomatic representation in Addis Ababa in Ethiopia, from where 80% of the applications for permission to reunify with Somalis legally resident in the Netherlands (with an asylum permit) have been submitted.

Extensive checks of documentary evidence are also undertaken by the consulates in **Portugal**, with equivalent checks undertaken by the responsible authorities in country for marriages celebrated in Portugal. In **Spain**, prevention control is built, on the one hand, into the Civil Registry, that verifies the marriage is not fraudulent, and, on the other hand, into the Central Register of Foreign Nationals, which includes a system of alerts that identifies where more than one residence application has

[25] The website states, *"the number of recognized asylum-seekers is continually sinking. In view of the asylum process in Germany, the possibility to obtain asylum or permanent residence is only given to a few refugees. Marriage is a possibility to protect people from deportation. Whereas all over Germany, German couples are not required to give reasons as to why they want to marry, and bi-national pairs are only allowed to marry out of love."*

been made per person, constituting a means of identifying, and avoiding, situations where reunification of several spouses is intended.

For the United Kingdom, measures include compiling risk analyses; close inter-institutional cooperation – e.g. between the Home Office, the Anglican Church and local Registration Services; awareness-raising amongst those responsible for enacting marriages in the Member States (e.g. clergymen) and the production of guidelines for the same purpose.

3.3.2 False Declarations of Parenthood

Belgium makes the point that no authority (e.g. civil registrars, notaries and Belgian embassies or consulates) has any means of objecting once the conditions for establishing recognition (consent of mother, child or legal representative) and formal conditions for recognition (civil status, nationality, identity and birth related documents) are respected. This presents a potential loophole allowing for misuse.

Finland has set up specific mechanisms to prevent such misuse, particularly trafficking of children through false declarations of parenthood. The Finnish Immigration Service appointed Immigration Liaison Officers at the Finnish Embassy in Addis Ababa, for example, with the primary duties of arranging interviews to investigate family ties. Also assessing family life and the existence of foster children in interviews has become increasingly important in cases of family reunification of a foster child to a third-country national adult with asylum status. If the sponsor has not mentioned the child in the initial asylum interview, subsequent residence permit applications based on family ties are generally refused.

Where a family is not able to provide any documentation to prove a relationship between the parent(s) and the child, DNA tests may be conducted in some Member States (e.g. Italy, Luxembourg, Netherlands, Spain, Sweden), as well as Norway. In Italy, this is requested at the expense of the applicants. In Germany, some municipalities (e.g. Berlin and Munich) requested DNA tests in such situations on a "voluntary" basis; however the Federal Constitutional Court called into question the lawfulness of these tests. In Luxembourg, if the courts have ruled that the applicant does not provide sufficient and convincing evidence of the family link, and does not want to submit to a voluntary DNA test, the family reunification may be rejected.

3.4 National Authorities responsible for Detecting Misuse

3.4.1 Marriages of Convenience

In all (Member) States, and as highlighted by the examples given in this Section, these tend to be the responsibility of law enforcement agencies, such as the police and public prosecutor's office, working with a range of national or regional / local authorities, such as civil registries and institutions with responsibility for migration, borders and residence. In some situations, consular staff may also be involved. In most (Member) States, multiple authorities are involved in detecting misuses. Although in Bulgaria, the Migration Directorate within the Ministry of Interior,

which is responsible for implementing administrative control over the residence of foreigners, also undertakes the detection and prevention of cases of marriages of convenience and false declarations of parenthood, with its employees holding the powers of police officers.

In **France**, examples of marriages of convenience have been detected through the discovery of benefit fraud, for example, family allowance funds, which have resulted in the involvement of a wider range of institutions and agencies. The scale of the abuse also has a bearing; if it extends to organised networks, this may require the assistance of other agencies, for example, border control police (**France**) or international agencies, such as Interpol (**Italy**). Other national agencies involved include the Immigration Liaison Officers (**Finland**, **Netherlands**).

Responsibilities vary also according to whether the marriage was contracted within the (Member) State or in a third country. In the latter case, the consular or diplomatic authorities may also be involved (**France**, **Germany**, **Lithuania**). Organisational involvement may also vary depending on the stage at which the abuse is detected. In **Norway**, the Norwegian Directorate of Immigration (UDI) has the final responsibility for detecting misuse and rejecting applications, but other authorities are involved to an extent and in a manner which depends on whether it is a matter of a first time application or the renewal of a residence permit granted on this basis. A comparable situation exists in the **Netherlands**.

In **Cyprus**, the Civil Registry and Migration Department of the Ministry of Interior are involved, through the Aliens and Immigration Branch of the Police. For **Estonia**, responsibility lies principally with the Police and Border Guard Board (PBGB), as the authority holding competence for granting, prolonging, refusing or invalidating a temporary residence permit or residence right. The Security Police Board and the Ministry of Foreign Affairs also has the right to question and undertake house visits, and if needed, other authorities can be involved, if required, at the request of the PBGB. In **Luxembourg**, it is the Public Prosecutors Office, responsible for detecting misuse; and the Ministry of Immigration, with the power to refuse entry for purpose of family reunification or to not renew or revoke a residence permit. In **Malta**, the responsible authorities are the Department for Citizenship and Expatriate Affairs within the Ministry of Foreign Affairs; the Immigration Police; and the Marriage Registry. In **Sweden**, the Swedish Migration Board is responsible for the whole migration process and therefore also for detection of misuse, although the Swedish Foreign Mission may also detect misuse, as they receive applications and conduct interviews with the spouses.

Where the marriage takes place in **France**, registrars undertake these processes. Where there is doubt over the validity of the marriage, the registrar refers to the public prosecutor who is responsible for investigation, working with the police and gendarmerie services. A standard process was established in June 2010 to direct the work of any criminal investigations in such situations. Checks of whether couples are genuinely co-habiting are the responsibility of the prefectures, both at the time a permit is issued and upon its renewal; where there is doubt, further checks may be requested by the prefectures from the police. The Central Directorate of Border Police may be involved to detect spouses of convenience, as well as irregular migration networks that organise marriages of convenience. The Ministry of Justice and Liberties also has a role in the detection of marriages

of convenience once a case has been reported to the prosecutor, or when it is a question of marriage annulment.

In **Germany**, civil registrars are also entitled to deny a marriage in cases where suspicion arises. Rather than working through national institutions, and owing to the federal distribution of competences, all of the institutions involved are at the regional or local level, except where overseas missions play a part, and as a result there is no standard national practice for addressing marriages of convenience. Where the marriage was contracted before the applicant entered, the checks are undertaken by the German mission overseas, with the support of the local responsible authorities. The second check is undertaken by the Foreigners' Authority in Germany who may request additional proofs where there is doubt, and must report cases of suspected fraud to the law enforcement authorities.

In **Poland** also there is a 'tiered' approach, where the competent first instance authorities include the regional / local 'voivodes' competent for the sponsor / applicants' place of residence. The Head of the Office for Foreigners is the second instance authority, and abuse detection procedures also involve the Border Guard and the Police.

Civil registrars in the **United Kingdom** are also required, under Section 24 of the Immigration and Asylum Act 1999, to report any reasonable suspicions that a marriage or civil partnership is or may be a marriage of convenience. Members of the clergy, who suspect a couple may be marrying for immigration purposes, can report their suspicions to the UK Border Agency on a voluntary basis.

Given the range of organisations involved, several (Member) States have nominated co-ordination bodies, some with official mandates. In **Belgium**, a working group was tasked in 2009 to develop a circular aimed at (1) taking stock of applicable rules and standards; (2) clarifying the role of key actors; and (3) developing common practice in relation to marriages of convenience. The working group has also been tasked to evaluate the implementation of such instruments at least every two years. In **Cyprus**, the aforementioned Advisory Committee plays a role in reviewing evidence and feeding back to the relevant national agencies. The **Slovak Republic** has set up a specific National Unit to Combat Illegal Migration, which combats various forms of irregular migration, including cases of marriages of convenience, formed under the Border and Aliens Police (BBAP PFP) structure. In the **United Kingdom**, a three-way alliance operates between the Home Office [UK Border Agency/General Registry Office (GRO)], the Anglican Church and local registration services, which is key to tackling marriage abuse and supporting genuine marriages. Representatives from these organisations meet regularly as part of the Marriage Advisory Board, which provides a forum to seek the opinions of, and discuss solutions with, key stakeholders.

Less formal coordination bodies exist in **Germany**, where the Foreigners' Authorities are the main points of contact for all other public authorities who have evidence suggesting a marriage of convenience has taken place. In **France** there is no specific general action plan to co-ordinate the work of the various parties, exchanges take place to ensure that all parties are kept up-to-date and that momentum is maintained in relation to a specific case. Contacts are also made between the Ministry of Justice services, consular and diplomatic services, and prefectures, at

any time during the procedures. In **Ireland**, the General Register Office (GRO) is responsible for detecting misuses, and the Garda National Immigration Bureau (GNIB) is responsible for investigating them. The two are co-ordinated by a system of referrals.

3.4.2 False Declarations of Parenthood

(Member) States describe a similar organisational structure to that relating to marriages of convenience. Organisations not previously referred to in relation to marriages of convenience, include the role of case workers, who may carry out further checks in collaboration with the national authority (**United Kingdom**) and the Norwegian Central Population Register (**Norway**).

3.5 Factors Triggering an Investigation by the Authorities

(Member) States refer to a range of factors that trigger an investigation of individual cases of suspected misuse of the right to family reunification via marriage / partnership, or false declaration of parenthood, or that might arouse suspicion that such events have taken place. These are in relation to the specific circumstances of the sponsor or applicant, which may provide a motivation for misuse, and the authenticity of the marriage or declaration of parenthood itself. The following examples highlight a number of these factors as reported by (Member) States, which may be used also by those (Member) States not explicitly referred to below.

3.5.1 Marriages of Convenience

A listing of possible indicators which may trigger an investigation is given in Box 1 overleaf. For the specific circumstances of the sponsor or applicant involved in a marriage of convenience, triggers may include where the sponsor has previously sponsored an alien in relation to family reunification (**Bulgaria**, **Netherlands**); where either spouse has been involved in a marriage of convenience previously (**Austria**, **Cyprus**, **Finland**, **Germany**, **Lithuania**); or where there is evidence of a record of previous short-term marriages (**Finland**, **Germany**). Where the sponsor is under the age of 25 years, this may also arouse suspicion and in **Norway** results in a mandatory interview in some special cases where there are reasons to suspect coercion.

For the applicant specifically, triggers for investigation include where there is no legal basis to be in the country or where the legal basis is expiring (**Cyprus**, **Estonia**, **Hungary**, **Latvia**, **Norway**); where the applicant has been unsuccessful in previous applications for residence through different means (**Austria**, **Finland**, **Netherlands**, **Portugal**, **Sweden**, **Norway**); has previously migrated irregularly, is subject to a removal order, or was refused asylum, or originates from a country with a low recognition rate for asylum applications (**Germany**, **Norway**); or high levels of immigration (**Spain**). A further trigger may be where (an unusual sum of) money has been exchanged, except in the case of a dowry (**Belgium**, **Bulgaria**, **Cyprus**, **Finland**, **Germany**, **Lithuania**, **Spain**). In **Norway**, an exceptionally high dowry may lead to the suspicion that there is payment for a marriage of convenience.

Box 1 – Possible indicators for the detection of marriages of convenience

Indicators of marriages of convenience, as listed in Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience[26]

- fact that matrimonial **cohabitation** is **not maintained**;
- **lack** of an **appropriate contribution** to the **responsibilities** arising from the **marriage**;
- **spouses** have **never met before** their **marriage**;
- **spouses** are **inconsistent** about their respective **personal details** (name, address, nationality and job), about the **circumstances** of their **first meeting**, or about **other important personal information** concerning them;
- spouses **do not speak** a **language understood** by **both**;
- sum of **money** has been **handed over** in order for the **marriage** to be **contracted** (with the exception of money given in the form of a dowry in the case of nationals of countries where the provision of a dowry is common practice);
- past **history** of one or both of the spouses contains **evidence** of **previous marriages** of convenience or **residence anomalies**.

Indicators of marriages of convenience, as listed in the EU Guidelines on Directive 2004/38/EC[27]

- The couple has **never met** before their marriage;
- The couple are **inconsistent about their respective personal details** (e.g. where and how they met);
- The couple do not speak a **language** understood by both;
- **Evidence of a sum of money or gifts handed over** in order for the marriage to be contracted (with the exception of money or gifts given in the form of a dowry in cultures where this is common practice);
- The past history of one or both of the spouses contains **evidence of previous marriages of convenience** or other forms of abuse and fraud;
- Development of family life only after the expulsion order was adopted;
- **The couple divorces** shortly after the third-country national in question has acquired a right of residence.[28]

Indicators of marriages of convenience, as listed in the Norwegian Directorate of Immigration's study

- **Age of applicant** – in NO the average female applicant is usually seven years younger than her spouse and the male applicant the same age as his spouse; by comparison female applicants in suspected marriage of convenience cases are 13 years younger than their spouse and male applicants 8 years younger.
- **The behaviour of the sponsor** – in NO, 5% of sponsors in applications considered legitimate have already been sponsors to other family members previously, whereas 11% of sponsors in suspected false applications have been reference persons in the past. In addition, according to NO's statistics, those whose applications for residence permit are rejected due to marriage of convenience are less likely to keep re-applying than those who have been rejected for other reasons – which reinforces the suspicion that they were never genuine cases in the first place.

Indicators of genuine marriages, as listed in the EU Guidelines on Directive 2004/38/EC

- The third-country spouse would have no problem obtaining a right of residence in his/her own capacity or has already lawfully resided in the EU citizen's Member State beforehand;
- The couple was in a relationship for a long time
- The couple had a common domicile / household for a long time
- The couple have already entered a serious long-term legal / financial commitment with shared responsibilities (mortgage to buy a home, etc.);
- The marriage has lasted for a long time.

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26 Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997Y1216(01):EN:NOT.

27 COM(2009) 313 final Commission Communication on guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

28 According to the Norwegian UDI's Report, use of divorce rates as indicators of marriages of convenience should be used cautiously as an indicator, as the conditions for family reunification may, in some cases, 'push' couples into marriage who may have preferred, under other circumstances, to not enter into marriage at this stage.

The circumstances under which the couple met may also arouse suspicion, for example, where the couple had not met before the marriage (**Belgium**, **Bulgaria**, **Cyprus**, **Finland**, **Germany**, **Estonia**, **Latvia**, **Lithuania**, **Poland**, **Sweden**, **Norway**), had met on a recent holiday or trip, or via the internet (**Estonia**, **Finland**, **Latvia**, **Lithuania**), or when the application for reunification is submitted immediately after entering into the marriage (**Estonia**). In **Finland**, the timing of the marriage in relation to the issue of travel documents, residence permit documents, etc. may also trigger an investigation.

The specific living conditions of the couple may also act as triggers, for example, where the couple is not cohabiting (**Belgium**, **Bulgaria**, **Cyprus**, **Germany**, **Estonia**, **Finland**, **Italy**, **Latvia**, **Lithuania**, **Poland**, **Portugal**); or if one of the spouses is living with someone else (**Belgium**, **Latvia**); in another country (**Italy**, **Portugal**); or where the living arrangements are not conventional, for example, where single living quarters are shared between the third-country national, his or her spouse and the latter's previous or ex-spouse (**Estonia**). Other conditions reported include where there is a lack of evidence of the practical obligations of marriage or a common household (**Bulgaria**, **Cyprus**, **Finland**, **Lithuania**); where the couple has not made any plans for their financial stability (**Germany**); and when the female spouse does not take her husband's last name (**Estonia**). In **Latvia**, the situation where the address of close relatives of a third-country national applicant was indicated as the planned place of residence for the applicant, rather than the address of the sponsor, triggered an investigation.

Triggers that suggest the marriage is not genuine include where statements made by either spouse conflict, or where basic information is not known (**Belgium**, **Bulgaria**, **Cyprus**, **Estonia**, **Finland**, **Germany**, **Lithuania**, **Malta**, **Portugal**, **Spain**, **Sweden**, **United Kingdom**); where there is no common language (**Austria**, **Belgium**, **Bulgaria**, **Cyprus**, **Finland**, **Germany**, **Estonia**, **Germany**, **Latvia**, **Lithuania**, **Luxembourg**, **Netherlands**, **Poland**, **Portugal**, **Sweden**, **United Kingdom**); or where there is a significant age gap between spouses (**Belgium**, **Estonia**, **Finland**, **Germany**, **Latvia**, **Netherlands**, **Portugal**, **Slovak Republic**, **United Kingdom**). Other cases are where spouses have very different social (**Estonia**, **Lithuania**, **Portugal**) or cultural (**Netherlands**, **Lithuania**, **Portugal**) backgrounds, or where either partner is in a disadvantaged situation (**Austria**, **Belgium**, **Portugal**, **Slovak Republic**), for example, unemployed, in debt, has an addiction, or is a sex worker. In **Poland** there was a noticeable increase in the number of Polish-Nigerian marriages in 2009–2010, which led to organised crime groups being detected. In **Norway**, there were notable cases of Turkish men marrying older Norwegian women in order to obtain residence. These cases were detected because the permits were often applied for immediately after an application for asylum had been rejected, and divorce was filed for once the applicant had obtained long-term residence or citizenship.

Several Member States use information provided by a tip or anonymous report about a possible marriage of convenience (**Belgium**, **Estonia**, **Netherlands**, **Portugal**, **Slovak Republic**, **Sweden** and **United Kingdom** where this process is facilitated by a dedicated e-mail address), or if a consulate official accepting the application for a residence permit has reasonable doubt (**Czech Republic**, **Estonia**, **Netherlands**, **Sweden**, **Slovak Republic**). There is also likely to be suspicion where the couple married in the country of origin (**Germany**), or were authorised through consular

posts (**France**, **Netherlands**), or through an institute specialised in arranging marriages between third-country nationals and persons with a right to stay in the Member State (**Germany**). In **Hungary**, registrars have no official role in detecting marriages of convenience, but have, in some cases, triggered investigations into marriages of convenience by informing the immigration services where irregular migrants have applied to enter into marriage. In the **United Kingdom**, registration officers have a statutory duty to report to the UK Border Agency any persons they suspect are entering into a marriage of convenience, and indeed, clergy (on a voluntary basis), may also report to the UK Border Agency if a marriage of convenience is suspected.

3.5.2 False Declarations of Parenthood

Whilst triggers for investigating marriages of convenience appear relatively well developed, this is less so in relation to detecting false declarations of parenthood. Several (Member) States reported no information on this issue. **Cyprus**, **Germany**, **Estonia**, **Latvia** and **Norway** reported no specific triggers, as they have no or very limited experience of this issue.

In **Belgium**, where there is little evidence to suggest a strong relationship between the declaring person and the child (for example, where he/she does not personally or/and financially contribute to, and has no interest in, the care and custody of the child, and where there is precarious or illegal residence status of the mother/father), may act as a trigger to investigate whether declaration of parenthood is being used with a view to obtain or extend a residence permit.

Other triggers include where there is an unusual age difference (**Belgium**, **Spain**), if a nationality pairing is unusual, i.e. no cultural or historical ties between the parents (**Belgium**, **United Kingdom**); where the parents are living at different addresses (**Bulgaria**, **United Kingdom**); where contradictory information is provided (**Bulgaria**); or where there is no possibility that cohabitation occurred at the time the child was conceived (**Spain**).

Anonymous tips may also be received, or issues raised by an official such as a case-worker (**Belgium**, **United Kingdom**), or indeed any official body processing an application for a resident permit on the basis of family reunification. For example, in **Spain**, in case of reasonable doubt regarding the existence of fraud in both the marriage or declaration of parenthood, the Aliens' Affairs Office must inform the competent authorities for verification, as well as the Civil Registry and the corresponding police units.

Names are also used as indicators in some cases, for example, in the **United Kingdom** where a child keeps the mother's maiden name rather than the father's; or if a child does not have the father's surname when first registered (but may have the surname of the individual added to the form when the registration is amended).

3.6 Techniques for Investigating Misuse

3.6.1 Marriages of Convenience

Once a suspected marriage of convenience has been detected, a range of techniques for investigation[29] are applied, frequently in combination and depending on individual circumstances. These include interviews with the sponsor and applicant (**Austria**, **Belgium**, **Czech Republic**, **Estonia**, **Finland**, **France**, **Germany**, **Hungary**, **Latvia**, **Lithuania**, **Luxembourg**, **Malta**, **Netherlands**, **Poland**, **Portugal**, **Slovak Republic**, **Spain**, **Sweden**, **United Kingdom**, **Norway**); background checks (**Estonia**, **Finland**, **France**, **Luxembourg**, **Netherlands**, **Poland**, **Portugal**); home visits (**Austria**, **Belgium**, **Czech Republic**, **Hungary**, **Italy**, **Latvia**, **Lithuania**, **Netherlands**, **Slovak Republic**); and third party and community based checks to test the couple is living together (**Austria**, **Czech Republic**, **France**, **Germany**, **Italy**, **Hungary**, **Latvia**, **Lithuania**, **Poland**, **Luxembourg**), including checks with public services and utility providers (**Belgium**, **Ireland**), document checks (**Ireland**, **Italy**, **Lithuania**, **Slovak Republic**), and, in some cases, the couple is asked to independently complete a questionnaire (**Lithuania**, **Netherlands**, **Poland**, **Sweden**, **Latvia**) and their individual responses are subsequently compared. **Greece** conducts interviews at its consulates abroad, prior to issuing a visa, with family members applying for reunification.

Where there is suspicion of organised crime, some (Member) States involve specialist services in their investigations. For example, in the **United Kingdom**, its UK Border Agency immigration crime teams carry out targeted, intelligence-led operations against criminal groups that profit from organising marriages of convenience.

(Member) States have drawn attention to some of the challenges that exist in detecting and investigating marriages of convenience, and the factors that prevent investigations into suspected cases from progressing. **Austria** notes that those planning to misuse the right to family reunification are generally well prepared for investigations by the authorities, especially for interviews, and the **Netherlands** has observed that partners often collude to accomplish the misuse. In the case of **Austria**, where legislation allows applicants to provide evidence (for example new witnesses) in each stage in the investigation, procedures may be considerably protracted by the repeated filing of new applications to produce the necessary evidence. The **Czech Republic** notes that it is very difficult to differentiate cases of marriage of convenience from genuine marriages under reunification as in practice, kinship and family ties are difficult to determine, especially during a brief interview.

[29] Information on these issues was also collected in February 2010, through an EMN Ad-Hoc Query, which was launched into the methods used by Member States to verify the legitimacy of marriages and paternity claims in family reunification cases. See Ad-Hoc Query 190, 'Verification of legality and genuineness of marriage & validation of paternity, requested by CZ EMN NCP on 20th January 2010, available from www.emn.europa.eu > Ad-Hoc Queries > 'Family Reunification.' The Ad-Hoc asked the following questions:

1. *What means, if any, do Member States use to verify the legality and genuineness of a marriage, such as the types of documentation or particular interviews? What institutions are involved in the process of legalizing, verifying and possibly initiating an annulment of a residence permit granted on the basis of such marriage?*
2. *How do Member States validate a proclamation of paternity? Is paternity verified in any way in connection with family unification residence permits and what powers do Immigration authorities have in terms of suspecting fraud?*

(Member) States have also reported that the investigations into suspected cases of marriage of convenience, as set out above, are both time-consuming and resource intensive (**Belgium**, **Lithuania**, **Netherlands**). Investigations can take several years; often requiring many checks, which may still result in the absence of sufficient evidence on which to draw a conclusion that a marriage of convenience has been contracted (**Lithuania**). There may be cross-cultural and language issues to negotiate (**Belgium**). The need for inter-agency working in relation to investigations, which often rely on inputs from many separate bodies, can also result in gaps or failures in the exchange of information between key actors, e.g. civil registrars, migration board, police, prosecutor's office (**Belgium**).

Latvia and **Lithuania** highlighted the absence of methodological guidelines for conducting investigations. Within this context, **Latvia** additionally noted the need to undertake investigative work whilst respecting the rights of persons to a private life, which present possible barriers to house visits. Similarly, the **Netherlands** mentions the protection of the individual's rights, including those in relation to family life, which may restrict options to terminate residence in the event of misuse, or where the conditions for residence are no longer met.

Germany refers to constraints on the number of checks on third-country nationals reuniting with mobile EU citizens due to the rights conferred under EU Law. **Austria** has also reported greater complexity in investigating cases of marriages of convenience in relation to EEA citizens living there, but whose habitual residence is outside of Austria, as, in such cases, partners were typically not permanently living together.

3.6.2 False declarations of parenthood

In relation to investigation, the **Czech Republic**, **France**, **Italy** and **Poland** undertake technical checks on documents where there is suspicion of false declaration of parenthood in the same way as this would be approached in relation to the suspicion that a marriage of convenience had taken place, combined with an interview. **Belgium**, **France** and **Malta** also identify interviews as a tool for investigation in this context.

The **Netherlands** highlights its 'interagency' approach, relying on other government organisations, such as the Ministry of Foreign Affairs (diplomatic and consular staff) and the network of Immigration Liaison Officers. In **France** also, inter-agency working was involved in a recent case (2010) where a Frenchman of Senegalese origin made 55 false declarations of parenthood which was detected through fraudulent family allowance and other welfare payments to the mothers of over one million euros/year.

In some cases, DNA testing is used to investigate family relations, especially when no other documentation can confirm the family relationship (**Finland**, **Germany**, **Norway**) and, if found necessary, interviews are also conducted in these cases. However, **Germany** has reported that the lawfulness of such practices has been questioned. **Luxembourg** reports some challenges in relation to investigation and the legal problem of making revisions to the nationality of the child once this has been granted. **Spain** highlights situations where investigation is not possible because documents issued 'legitimately' in countries of origin have biographical content adapted to the false parent and child/children.

3.7 Evidence needed to prove that a marriage / declaration of parenthood is false

3.7.1 Marriages of Convenience

The evidence required to prove that a marriage of convenience is false varies across (Member) States, but is linked to the triggers outlined previously. Overall, it appears that (Member) States take a case-by-case approach and review the various elements that might constitute evidence to support or oppose the notion that a marriage of convenience has been contracted.

In most (Member) States, evidence tends to be cumulative and based on a range of information collected during the course of investigation. For example, in **Belgium**, evidence may be based on a combination of circumstances, showing that the intention of one or both spouses is clearly not the creation of a sustainable community of life, but only the desire to obtain an advantage in terms of residence. In the **Czech Republic**, the scope of the evidencing procedure and the types of evidence is dependent on the individual circumstances of the case. The results of residence inspections to verify whether there is a common household, interviews with individual spouses, witness statements, notifications and decisions from relevant State Authorities are taken into account. To prove that a person has aided and abetted obtaining residence, the evidence presented needs to show intent.

In **France**, evidence may include a lack of consistency between the spouses' accounts on the circumstances in which they declare they have met, or on personal information (ignorance of each other's family), not understanding each other or absence of a common language, marriage plans successively postponed or cancelled, including sometimes a change in the person to be married. In **Ireland**, officers need to be satisfied that documents presented are not genuine and/or that material facts (such as identities, marital status etc.) have been concealed or given incorrectly. In **Italy**, testimonials and the direct investigations of police officers (such as inspections in homes), as well as technical assessments on documents, can all be used as evidence. In **Luxembourg**, evidence may include determining that the only objective is for the applicant to obtain a residence permit that otherwise s/he could not otherwise have obtained, that there is no 'intimate life'[30] between the parties, and that they are not a common household.

In **Malta**, evidence is collected following investigations, as well as personal declarations by those involved. In the **Netherlands**, national authorities must prove that the couple are not cohabiting (and will not cohabit) and are not maintaining (and will not maintain) a joint household (i.e. the relationship is not long-term, and not exclusive). In **Sweden**, the authorities must find one or more reasons which break this presumption that a valid civil marriage is not genuine.

The question of evidence is complex, and where this remains inconclusive, in **Poland** and **Sweden**, for example, a presumption will remain that the marriage is valid. In **Estonia**, an application may simply remain pending. **Lithuania** and, in some cases,

[30] In Article 73 (2) and Article 75 (2) of the Law of 29 August 2008 in **Luxembourg**, the notion of family life and intimate life are considered central elements for family reunification to be granted.

Norway identify a marriage of convenience before the application for a residence permit is decided. In Norway, it is considered that, in some cases, it may be easier to identify a marriage of convenience has taken place after a residence permit has been granted and the applicant is established. When it is then discovered that the couple no longer live together, a renewal of the residence permit may be denied or the permit revoked on this basis.

For marriages of convenience, the burden of proof rests in the majority of cases with the authorities (Austria, Belgium, Cyprus, Finland, France, Latvia, Lithuania, Luxembourg, Malta, Poland, Slovak Republic, Sweden, United Kingdom and Norway). In Germany, the burden of proof rests with the authorities only in criminal proceedings which do not necessarily represent the majority of cases. Conversely, in relation to the application process for a residence permit, the burden of proof lies always with the applicant. In Italy and in Luxembourg, the burden of proof in applying for family reunification is on the applicant. However, in terms of proving that there has been a misuse of the right to reunification, the burden of such proof lies with the authorities. In Portugal, at application stage, the burden of proof rests with the interested parties who must prove the existence of a marriage, without prejudice to the right of the administrative authorities to determine the need for other forms of evidence, for example, documentation, or information collected during interviews or investigation. If there is any indication that a marriage of convenience has taken place, then the burden of proof lies with the competent authorities (Public Prosecution and Criminal Police).

3.7.2 False Declarations of Parenthood

Member States apply a similar approach to collecting evidence required to prove that misuse has taken place to that applied to marriages of convenience, for example, in Belgium, Estonia, Italy, Lithuania, Malta, Poland, Portugal, Slovak Republic and Spain (although in Estonia and Lithuania there have not been any actual cases), which may become apparent through cumulative evidence collected, including the parties' explanations, testimonies of witnesses, community interviews, information in relation to border crossings (Poland). France highlights the difficulties in providing evidence of a false declaration of parenthood, except when the birth and marriage certificates can be clearly recognised as fraudulent or implausible.

Several (Member) States may also make use of DNA testing in such cases. These include Austria, at the request of the applicant, Belgium, Finland, Germany, where a test may be requested on a voluntary basis, Ireland, Italy, Lithuania, although not in practice, plus Portugal. In Luxembourg, DNA tests are legally allowed, if the authorities have obtained a warrant, and if refused, may result in the rejection of an application, where insufficient and convincing alternative evidence exists to prove the family link. However, in practice, the tests rarely take place, as considerations for the child prevails. In the Netherlands, DNA testing may take place where other conditions are met, but where some doubt still exists about a biological family tie, whereas in Sweden, where there are no other available means, and then only where the person to be examined has been informed of the purpose of the DNA test and has given written consent. In Norway, DNA tests are applied, and when they show that the applicant and sponsor are not biologically related as parent/child, the application will, as a main rule, be rejected.

In Ireland, evidence needed to prove that a declaration of parenthood is true, in cases that are suspected, include a verified marriage certificate, and proof of identity, if the parents are married; if not married, a statutory declaration is required, and where there are doubts, DNA evidence may also be used. In Lithuania, such testing may be used in the absence of alternative proofs. In Spain, DNA evidence is not accepted as conclusive evidence unless confirmed by a judge in the course of any judicial proceedings. Therefore, the most frequent practice is to hold interviews, to review biographical data and documents (to identify contradictions), or to request copies of original documents from the countries of origin (to detect forgeries).

In relation to the burden of proof, there is recognition amongst (Member) States that evidencing whether a claim to parenthood is authentic or not lies with the authorities. However, in Malta, claimants may be requested to present proof supporting their claim, thus the onus lies on the person making the declaration, and, in Norway, the burden of proof also lies with the applicant. In Finland, the parents of foster children have the burden of proof to prove that the relationship is genuine and may be required to clarify issues arising from investigations. In Germany, the burden of proof is on the public authorities to prove that there is no social / biological relationship (focus is still on paternity only – not on parenthood in general). However, as declarations of parenthood do not necessarily lead to residence, indirectly it is up to the parent to prove the relationship.

3.8 Penalties imposed against those misusing the right to family reunification and their impacts

This Section examines penalties likely to be imposed, and possible impacts on the EU citizens and third-country nationals involved, where misuses of family reunification are detected.

3.8.1 Marriages of Convenience

The majority of (Member) States impose penalties on both sponsors and applicants. In some, such penalties are imposed directly in relation to a detected marriage of convenience (Austria, Belgium, Cyprus, France, Hungary, Ireland, Lithuania, Luxembourg, Malta, Portugal, Slovak Republic); in others (Finland, Latvia, Poland, United Kingdom), the penalty is determined by the actions involved, for example, forgery, provision of false documents, etc. or related criminal activity, which may be determined under different aspects of the legal framework. The normative acts of Latvia do not currently provide for sanctions against those organising or participating in marriages of convenience; penalties are applicable only when there is evidence of criminal offences alongside a marriage of convenience, for example human trafficking. In the Czech Republic, Act No 40/2009 Coll. of the Criminal Code defines actions qualifying as the crime of aiding and abetting illegal residence in the territory. This is relevant to both marriages of convenience and false declarations of parenthood. In Luxembourg, marriages of convenience are not punishable, at the moment, in the criminal code. However, planned changes will introduce specific penalties (fines and imprisonment) to fight this phenomenon. In the United Kingdom, any person found to have broken the law by way of entering

into or organising a marriage of convenience will be arrested and processed through the criminal justice system.

Member States that do not have specific penalties for marriage of convenience include **Finland**, **Germany**, **Netherlands**, **United Kingdom**. In **Finland**, for example, penalties vary according to the area of the law invoked. For providing false documents to a public authority, this may be a fine or imprisonment for up to 6 months; for immigration, forgery or false statement offences, a fine or imprisonment of 1-2 years; and for registration offences, a fine or imprisonment for up to three years. However, where actions result in grievous harm to another individual, or where organised crime is involved, then the penalty can be extended to a fine and up to 6 years imprisonment. In the **Netherlands**, a marriage of convenience is prosecuted under the crime of forgery, with may result in penalties of imprisonment for up to six years, or fines of up to € 78 000.

Penalties include, for the sponsor, imprisonment, fines, or both. Lengths of imprisonment and levels of fines vary. Where stated, lengths of imprisonment range from up to 1 year (**Austria**); 1-2 years (**Malta**); 3 years (**Germany**); 1-4 years (**Portugal**); and to up to 5 years (**France**). Fines may be imposed alongside a prison sentence, and ranged from up to €3 000 (foreseen in new legislation in **Luxembourg**), to up to €15 000 (**France**). In **Belgium**, the person who contracts a marriage of convenience may receive a prison sentence ranging from 8 days to 3 months and a fine ranging from €26 to €100. However, the punishment for a person who knowingly assists a third-country national to enter or reside in an EU Member State may be imprisonment from 8 days to 1 year and/or a fine ranging from €1 700 to €6 000. In the **Czech Republic**, the crime of aiding and abetting illegal residence may result in penalties, including the prohibition of professional activities or up to one year imprisonment. Any repeat of the crime may result in imprisonment of up to three years, or up to eight years in extraordinary circumstances. The amendments to the Criminal Law in **Latvia** will introduce the crime of maliciously ensuring (*inter alia* a marriage of convenience) the legal right to reside, not only in Latvia, but also in any other EU Member State plus EEA or Switzerland, which will be punishable by imprisonment of up to one year, or forced labour, or a fine. Where two or more people, are involved, or if committed by a group of persons, imprisonment may be up to three years, or forced labour, or a fine. **Lithuania** has recently introduced penalties on sponsors ranging from €70-€290.

For the applicant, penalties include the refusal of a residence permit, or if already granted, this may be revoked or invalidated (**Belgium**, **Czech Republic**, **Estonia**, **France**, **Germany**, **Poland**, **Portugal**). In addition, there may be actions undertaken to remove the applicant (**United Kingdom**); there may be a criminal consequence where the applicant will also be subject to a removal order (**Italy**, **Luxembourg**, **Slovak Republic**); and there may also be a re-entry ban (**Lithuania**, **Luxembourg**, **Netherlands**, **Slovak Republic**, **Sweden**, **United Kingdom**, **Norway**).

For a third-country national, a conviction and / or penalty of imprisonment can result in the withdrawal of a residence permit. In **Finland**, a marriage may be annulled and a residence permit cancelled. It may also be made more difficult for the applicant to apply for a residence permit for the purpose of family reunification at a later date. In **Germany**, a third-country national sponsor, if sentenced to imprisonment for having, for example, accepted money to enter into marriage of convenience,

will result in the loss of their residence permit. In **Malta**, a penalty of imprisonment lasting no less than one year, which can arise following a conviction for involvement in a marriage of convenience, may render a person a 'prohibited immigrant liable for removal' under the Maltese Immigration Act (Cap 217). In reality, this can mean return to the country of origin. In **Norway**, if the sponsor is a third-country national, s/he may be ordered to be removed under the Norwegian Immigration Act, Section 66 and the SIS Act Section 7, and may also face criminal charges.

Where there is evidence of organised crime, penalties imposed are higher still, for example, in **France**, such circumstances may attract imprisonment of up to 10 years, and fines of up to €750 000. The same penalties are also incurred for "grey marriages." In **Portugal**, imprisonment from 2 to 5 years is possible.

3.8.2 False Declarations of Parenthood

Penalties are imposed in **Finland**, **France**, **Germany**, **Italy**, **Lithuania**, **Malta**, **Netherlands**, **Portugal** and **Slovak Republic**. Such penalties may include imprisonment and fines, for example, in **France**, **Italy** and **Malta**, similar to those set out in relation to marriages of convenience, and, in the case of **France**, the penalties extend to 10 years of imprisonment and a €750 000 fine where discovered to be part of an organised crime.

In **Germany** criminal courts may impose criminal sanctions, although contested declarations of parenthood are rarely successful in practice so few cases exist. If the sponsor is the father (and a German national), this may lead to the child losing citizenship and the mother losing her right to residence, although in practice, this is rarely done, due to the likely harmful impacts on the child.

Italy has no specific law covering such circumstances, but the Italian Penal Code punishes anyone giving false identity before a public officer with 1-6 years of imprisonment, and if there has been a false declaration to a Registrar, this may be at least 2 years. A similar approach is taken under **Malta**'s Criminal Code, which specifically states that those gaining advantage or benefit for themselves or others through false declaration or statements, or who give false information, shall on conviction be liable to a penalty of imprisonment for a term not exceeding two years, or to a fine.

In **Belgium** and **Portugal**, prosecution is possible when forged / counterfeit documents are used to make a false declaration of parenthood, on the basis of forgery related provisions, which may result in imprisonment for 5-10 years (**Belgium**) and up to three years (**Portugal**). In **Belgium**, as for marriages of convenience, prosecution is also possible of persons who knowingly assist a third-country national to enter and reside illegally in an EU Member State.

3.9 Right to Appeal

3.9.1 Marriages of Convenience

In all (Member) States, individuals accused of misusing the right to family reunification through a marriage of convenience have the right to appeal. However, the approach to and circumstances surrounding such appeals show some variation

across (Member) States. Circumstances may be different also, according to whether the person lodging the appeal is an EU national or not, for example, in **Estonia**, where the length of time within which an appeal can be lodged is extended to 30 days (it is 10 days for a non-EU national).

In **Austria**, the process that applies depends upon whether the case falls within the criminal procedures, or within the aliens' police proceedings. For the former, appeals against first instance decisions of the District Criminal Courts can be made to the Regional Criminal Courts; in the latter, the Independent Administrative Senates are the competent bodies to decide on appeals in cases concerning EEA citizens, Swiss citizens and privileged third-country nationals as well as return decisions, while all further cases generally fall within the competence of the Security Headquarters.

In **Belgium**, appeals may be addressed to the Court of Appeal and at the highest level of appeal to the Court of Cassation (dealing with points of law only). The annulment of a marriage may also be appealed to the Court of First Instance. In relation to penal matters, judgments made by criminal courts may be appealed to district courts of the Court of Appeal. For decisions on residence permits, appeals may be lodged with the Aliens Litigation Council, which may result in an annulment of the decision against which the appeal was lodged.

In **France**, in relation to cases of misuse of family reunification, either spouse, and indeed, even a minor, may contest a decision, the results of which must be decided within 10 days. Any further appeals may be referred to a court of appeal, which must rule within the same time-limits. In **Germany**, both the refusal to issue a residence permit, as well as a conviction, can be legally contested. In **Ireland**, a distinction is also drawn where all applications refused have the right to an administrative review, whilst all other persons are entitled to apply for leave to seek a judicial review of the decision. However, the future Immigration, Residence and Protection Bill 2010 (not yet enacted) does not include any right of appeal or review mechanism.

Latvia offers the right to contest refusals to issue residence permit, which may be appealed at an administrative court. Decisions of the Office of Citizenship and Migration Affairs regarding refusal to grant a residence permit based on suspicion of a marriage of convenience are appealed in court in the majority of the cases, within the framework of interference with the right to family life. In **Malta**, an Immigration Appeals Board has been established on the basis of the Immigration Act, which has the jurisdiction to hear and determine appeals or applications, and may also hear appeals in relation to the refusal, annulment or revocation of a visa or permit. Whilst, in general, the right exists to appeal administrative or judicial decisions in **Portugal** in relation to the decision to refuse or cancel a residence permit, the right to appeal is set out under the administrative procedure code and subject to judicial review where a marriage of convenience constitutes the grounds for such a refusal. In **Sweden**, the right to appeal is to the Migration Court or the Migration Court of Appeal (after pre-examination).

In the **United Kingdom**, if a person has submitted an application for entry clearance, leave to enter or leave to remain which is refused on the grounds that the UK Border Agency suspect it to be a marriage of convenience, that individual will have a right of appeal against the decision. Where a direct family member of an EEA national

is being refused residence under the Immigration (EEA) Regulations 2006 on the basis that their marriage is suspected of being a marriage of convenience, then a right of appeal is currently given in accordance with Regulation 26(3). Evidence, in the form of a marriage certificate or civil partnership certificate, must be provided in order for that right of appeal to be engaged.

3.9.2 False Declarations of Parenthood

Whilst limited information is available, all (Member) States which provided a response confirmed that an appeals process was in place in relation to such situations. In general, the procedure followed mirror those outlined in relation to marriages of convenience set out above.

4. European co-operation

(Member) States were able to identify a range of co-operation activities with other EU Member States / institutions in relation to the detection and / or prevention of misuse of the right to family reunification. These examples of cooperation may be informal and ad-hoc, or the subject of a formal agreement.

A number of Member States report cooperation over specific incidents where marriages of convenience have been detected, mainly in the context of organised crime. **Belgium** has an ad-hoc and informal cooperation to exchange information with the **Netherlands**, in the context of the "Belgian route,"[31] through a liaison officer. **Ireland** and **Latvia** highlight co-operation in relation to Ireland's high incidence of cases of suspected marriages of convenience, involving mobile EU citizens, principally from **Latvia**, which has resulted in reinforced cooperation of the Gardaí and governmental officials with European counterparts. The Latvian State Police prepare monthly summaries of intelligence held on those people who recruit Latvian citizens into marriages of convenience in other (Member) States which are shared with **Ireland**, **United Kingdom**, **Cyprus** and **Sweden** through EUROPOL. **Italy** and **Portugal** also highlights cooperation with other (Member) States within the scope of EUROPOL and EUROJUST.

Other forms of co-operation take place in a more general way. These include **Austria**, where cooperation traditionally takes place with neighbouring countries, especially **Germany** and **Hungary**, although no institutionalised or systematic cooperation has been reported, and its effectiveness is dependent upon personal networks; **Belgium** which takes part in projects aiming to facilitate information exchange on this topic, and in 2007, also implemented the ARGO project (Section 1.4); and **Estonia**, which highlights co-operation agreements in this area with **Finland** and **Hungary** to share experience more widely in relation to migration issues and irregular situations. **Latvia** participates in the meetings of the migration subgroup of the Baltic Council of Ministers with **Lithuania** and **Estonia**. **Hungary** has shared information with other Member States through ad-hoc information requests.

The **Netherlands** has a number of mechanisms for co-operation that have been useful in this field, including their involvement in the European Commission's 'Expert group FREEMO on the right to free movement of persons', which involves all Member States and exchanges information and statistics in respect to Directive 2004/38/EC. In relation to specific cases, the **Netherlands** has also established contacts about possible fraud and the abuse of rights with Immigration Liaison Officers (ILO) in **Germany** and **Belgium**; **Finland** has also worked informally through its ILOs to exchange information; and **Portugal** co-operates with the countries of origin where cases of false declaration of parenthood are reported. (Member) States also co-operate on these issues through wider work with the General Director's Immigration Services Conference (GDISC) and the EMN, notably via its Ad-Hoc Queries.

[31] A migration route used to circumvent Dutch family reunification rules, by residence first in Belgium with a spouse, registered partner or partner in a lasting and stable relationship.

The **Netherlands** also highlighted the work of its embassies in some countries of origin (for example, in Ethiopia) where they maintain contact with representatives of other (Member) States in recognising misuse of family reunification. **Italy** undertakes cooperation in the prevention of irregular migration more generally, citing again its work with Interpol, and also with those third countries from which there is strong migratory pressure, for example in the Middle East and the Balkans, as well as some African countries. **Norway** has also highlighted the role of cooperation with its Foreign Service Missions in specific countries of origin.

The **United Kingdom** provides an example of an operation[32] which involved cooperation with the **Netherlands** resulting from a trend identified in 2009 of Dutch Antilleans flying to the United Kingdom to set up an identity there and then returning at a later date to take part in a marriage of convenience. An agreement was subsequently signed in August 2010, between senior UK Border Agency and Dutch Police officials and led to the UK Border Agency's first overseas Joint Investigation Team (JIT) for closer working between the two countries.

[32] See http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/february/06-nottingham-sham for details of its outcomes.

5. Statistics on marriages of convenience and false declarations of parenthood

(Member) States were able to provide statistics on marriages of convenience and false declarations of parenthood, although in many cases this was on the basis of non-comparable indicators. Only a handful of (Member) States systematically register suspected and/or detected cases of marriages of convenience – hence statistics to systematically monitor the situation may be non-existent or incomparable. Whilst information on applications for family reunification refused or permits revoked may be recorded, the grounds for rejection / revocation are not always registered. Similarly, statistics on forgery may include instances in which documents necessary for family reunification may have been forged and the forgery detected. However, these are rarely presented separately from other statistics on forgery. Another reason why misuse is often difficult to detect may be because both parties usually benefit from the arrangement and are thus unlikely to self-report.

Following this introduction, the available statistics and observations are presented beginning with an overview of resident permits issued for family reasons (Section 5.1) in order to provide some context for the subsequent sections. Marriages of convenience as identified by refused/revoked residence permits (Section 5.2); by indicators of detection (Section 5.3); and by indicators of suspicions (Section 5.4) are presented. A comparison of indicators of marriages of convenience between third-country nationals and between third-country and EU nationals is then given (Section 5.5). Finally, some details of the (very limited) information of false declarations of parenthood are given (Section 5.6). Note that numbers, both in the text and in the Tables, have been rounded up or down to the nearest multiple of five.

Other indicators have also been used by the (Member) States. For example, **Belgium**, **Germany**, **Italy**, **Latvia**, **Netherlands**, **Sweden** and **Norway** have information available on visas, residence permits and/or applications for citizenship refused, which ***may*** be indicative of attempted misuse as some of these permits may have been refused for suspected/detected misuse. However, as the statistics can not be disaggregated according to the reason for refusing the permit and can include also other reasons (e.g. insufficient documentation, threat to public order, or simply expiration of the period of validity) they can not be used to give a definitive measure. Other statistics provided by Member States which again *may* indicate misuse, since other factors may also be included, include statistics on mixed marriages with uncommonly large age gaps (**Italy**); marriage annulments (**France**); the results of

'advice decisions' issued to applicants for Regular Provisional Residence Permits[33] (**Netherlands**); divorce patterns for third-country nationals who receive a permit based on marriage (**Norway**); and residence permits issued in cases of family reunification, which require further checking (**Sweden**).

Finland, **Latvia**, **Netherlands**, **United Kingdom** and **Norway** have specifically undertaken research in relation to family reunification. For the **United Kingdom**, research was undertaken to count the numbers of third-country nationals who gained settlement as a spouse to a UK citizen and then went on to sponsor a new spouse, and an exercise conducted during 2011 identified misuse within the EEA Family Permit Route. The comparative study commissioned by **Norway** has been outlined previously (Section 1.4). In addition, qualitative information, such as case law, specific cases reported in the press, the findings of interviews carried out by migration authorities, and the observations of migrant associations and other relevant NGOs provide an illustration of the existence, the nature, and the context of misuse.

5.1 Residence Permits issued for Family Reasons

In order to first give some context in which to place the available statistics on marriages of convenience and false declarations of parenthood, an overview is first given here of residence permits issued for family reasons, in accordance with Article 6 of Regulation 862/2007/EC, disaggregated by category of family member (e.g. child, spouse, etc.) and by type of reunification (i.e. third-country national joining third-country national and third-country national joining EU-citizen). Note that these statistics do not further distinguish between a mobile or non-mobile EU citizen.

Table 5.1 below provides these statistics from Eurostat for 2010, the most recent available, and shows that a total of 720 200 permits for family reasons were issued by EU Member States (excepting Estonia, Sweden for which complete statistics are not available), some 496 450 (or 68.9% of this total) being issued to a third-country national joining with a third-country national. The five Member States issuing the most residence permits for family purposes overall were (in order of total permits issued): **Italy** (180 390), **Spain** (132 080), **United Kingdom** (125 360),[34] **France** (82 380) and **Germany** (52 170). In terms of those (Member) States issuing most of these permits for a third-country national to join a resident third-country national, the highest proportions were for **Bulgaria** (97.0% of all permits issued for family reasons), **Lithuania** (96.4%), **Czech Republic** (90.2%) and **Italy** (88.8%). Of those issuing permits for a third-country national to join with an EU citizen, the proportion was highest for **Malta** (92.3%), **Ireland** (85.2%) and Romania (80.4%).

[33] To be considered eligible for a residence permit in the **Netherlands**, most third-country nationals must first obtain a visa called a Regular Provisional Residence Permit. Before an application for this visa is submitted, the sponsor may approach the Immigration and Naturalisation Service (IND) for advice as to whether or not a permit is likely to be issued. The information can be useful in guiding the migrant as to whether or not to continue with the application.

[34] The **United Kingdom** does not actually issue residence permits but instead uses passenger data. Consequently, since these data count decisions (rather than individuals) their figures can be higher compared to other (Member) States.

Table 5.1: Residence Permits issued for Family Reasons, 2010

(Member) State	Family reasons (total)	Third-country national joining with a third-country national				Third-country national joining with an EU national			
		Total	of which a Spouse / partner	of which a Child	of which another family member	Total	of which Spouse / partner	of which a child	of which another family member
Total (EU-27 except EE, SE)	**720 200**	**496 450**	**:**	**:**	**:**	**223 770**	**:**	**:**	**:**
Austria	14 560	7 840	:	:	:	6 720	:	:	:
Belgium	28 665	11 690	4 155	7 525	10	16 975	12 330	2 340	2 305
Bulgaria	1 780	1 725	:	:	:	55	:	:	:
Cyprus	1 850	740	:	:	:	1 110	:	:	:
Czech Republic	14 850	13 400	4 545	7 625	1 225	1 455	1 290	130	30
Denmark	5 005	1 490	600	890	0	3 515	3 210	305	0
Estonia[35]	970	:	:	:	:	:	:	:	:
Finland	6 705	4 300	1 575	2 495	230	2 405	0	0	2 405
France	82 380	29 400	:	:	:	52 980	:	:	:
Germany	52 170	28 200	11 910	15 895	395	23 970	17 040	895	6 040
Greece	16 545	13 400	4 045	9 355	0	3 150	2 420	315	410
Hungary	3 375	1 350	0	795	555	2 025	:	150	1 875
Ireland	2 030	300	110	115	70	1 730	1 550	155	25
Italy	180 390	160 200	67 510	70 335	22 355	20 190	10 505	3 350	6 335
Latvia	775	415	255	80	80	365	260	10	90
Lithuania	715	690	:	:	:	25	:	:	:
Malta	390	30	0	20	5	360	45	5	310
Netherlands	21 560	11 405	3 955	6 920	530	10 155	6 955	1 175	2 030
Poland	2 565	600	290	285	20	1 970	1 845	100	0
Portugal	17 480	11 965	915	1 015	10 040	5 510	0	0	5 510
Romania	4 640	910	425	430	55	3 730	3 280	105	345
Slovak Republic	1 160	695	620	75	0	465	450	15	0
Slovenia	3 170	2 230	:	:	:	940	:	:	:
Spain	132 080	90 290	19 325	69 295	1 665	41 795	30 855	10 010	930
Sweden[36]	26 595	:	:	:	:	1 235	1 145	95	0
United Kingdom[37]	125 360	103 185	:	:	:	22 175	16 530	2 915	2 735
Norway[38]	9 670	9 570	4 980	4 375	215	100	85	15	0

Source: Eurostat, statistics rounded up or down to nearest multiple of 5; ":" means "Not Available"

35 **Estonia** does not (yet) provide statistics to Eurostat on first permits issued for family reasons disaggregated by reunification to a third-country national / reunification to an EU citizen. The division between spouse/partner, child and other family members can, however, be made: for 2010, 340 (35%) of first permits issued for family reasons were to a spouse or partner; 485 (50%) were to a child joining a parent; and 150 (15%) were to another type of family member.

36 For **Sweden**, statistics on a third-country national joining with a third-country national includes also a third-country national joining with a Swedish national. Statistics on a third-country national joining with an EU national concerns only mobile (non-Swedish) EU nationals.

37 See Footnote 34.

38 Since **Norway** is not an EU Member State, third-country nationals joining a Norwegian citizen are counted as a third-country national joining with a third-country national.

5.2 Marriages of Convenience via Refused/ Revoked Residence Permits

Some (Member) States provided statistics on residence permits revoked and/or refused because of detected / suspected marriages of convenience, summarised in Table 5.2 below. In 2011, the number of permits refused/revoked ranged from 5 (**Latvia**) up to 990 (**Belgium**), whilst in 2010 it was again from 5 (**Latvia**) up to 1 360 (**Belgium**).

Table 5.2: Refusals of residence permits because of detected / suspected marriages of convenience

(Member) State	Basis of Statistics	Residence permits refused because of detected / suspected marriages of convenience				
		2008	2009	2010	2011	2012
Belgium	Permits withdrawn due to "lack of family unity"	310	830	1 360	990	:
Estonia	Temporary residence permit applications or issued temporary residence permits that have raised suspicions of MoC	:	:	10	10	35
Finland	Residence permits refused due to suspicion of MoC	100	85	90	160	250
Latvia	Temporary residence permits annulled due to suspicion of a MoC	:	5	5	5	:
Poland	Residence permits refused due to suspicion / evidence of MoC – Total Article 55 & Article 57 (1) (4)	:	:	135	205	145
Norway	Residence permits refused due to suspicion of MoC	150	200	195	185	120

Source: EMN NCP National Contributions; statistics rounded up or down to nearest multiple of 5; ":" means "Not Available"

Notes:
1. Statistics are rounded up or down to nearest multiple of 5 and ":" means "Not Available". The statistics in the Table make no distinction between third-country nationals or between a third-country and an EU national.
2. **Belgium** provides a further breakdown of its statistics, namely; 2008: 120 (reunification of a third-country national with a Belgian or other EU citizen) and 195 (reunification between third-country nationals); 2009: 660 and 165 respectively; 2010: 1 195 and 165 respectively; 2011: 840 and 145 respectively.
3. **Latvia** statistics refer to residence permits withdrawn / annulled which had first been issued not necessarily during the same year. It means that marriages of convenience detected / suspected are included in the total number of residence permits to spouses/ partners from the same or previous years.
4. **Finland**, **Poland** and **Norway** statistics refer to residence permits refused. It means that marriages of convenience detected / suspected are **not** included in the total number of residence permits to spouses/partners given in Table 5.1.

5.3 Indicators of '*Detected*' Marriages of Convenience

Austria, **Belgium**, **Cyprus**, **Czech Republic**, **France**, **Latvia**, **Lithuania**, **Poland**, **Portugal** and **Slovak Republic** register statistics of detected cases of marriages of convenience on the basis of different, non-comparable indicators outlined in Table 5.3. Note that the statistics given in the Table make no distinction of detected cases occurring between third-country nationals or between a third-country and an EU national. Based on the different indicators used, the number of detected marriages of convenience in 2011 ranged from 130 (**Cyprus**) to 5 (**Latvia**, **Slovak Republic**), whilst in 2010 this ranged from 425 (**France**) to 5 (**Latvia**).

In 2007, the number of exclusion orders issued by **Austria** due to marriages of convenience amounted to around 400 and the number of return bans to around 20. These figures dropped to less than 100 and 2 respectively in 2010 and it is suggested that this may be due to tightened regulations and the fact that persons concerned are better prepared for investigations than in the past. In **Belgium** the number of annulments of marriages due to detected marriages of convenience reported to the Migration Board in 2010 was 75. This number is provisional and is likely to grow once the statistics for this period have been updated in 2012. In **Bulgaria**, the number of residence permit applications refused on the grounds of marriage of convenience/false declaration of parenthood in 2010, was 5 out of all 275 applications refused (for all reasons) and in 2011, 5 out of 220.

In **France**, the various indicators of marriages of convenience sometimes provide conflicting information on trends around this form of misuse. Around 54% (395) of the 735 marriages annulled in 2004 were found to be cases of marriages of convenience, 8% of which involved claims of coercion (according to the results from a one-off Survey on marriage annulments by the Ministry of Justice). The number of annulments increased to 1 080 in 2010, suggesting that, other things being equal, the number of marriages of convenience may have risen. As marriages of convenience may also end in divorce, statistics on annulments may actually provide an underestimation of the scale of the issue. The statistics of the Central Directorate of Border Police (DCPAF) on "spouses of convenience" also suggest that numbers have risen from 70 in 2009 to 75 in 2010 and 95 cases in 2011. Previously, this indicator suggested there was a decrease from 145 in 2007 to 130 in 2008 to the 2009 figure. These statistics are similar to the statistics for criminal convictions for marriages of convenience. In 2007 there were 85 convictions, decreasing to 65 in 2008 and 45 in 2009, although the number of conviction remained low at 40 in 2010. The DCPAF also registers uncovered irregular migration networks organising marriages of convenience (individuals or gangs). Two organisations were uncovered in 2009 and seven in both 2010 and in 2011.

In **Latvia**, the number of violations recorded by the State Border Guard during inspection visits increased from around 10 cases in 2009 to close to 40 cases in 2011. **Latvia** also provides statistics on the number of people receiving assistance as victims of human trafficking involved in a marriage of convenience. This number oscillated around 5 during this period. Additionally, around 5-6 temporary residence permits were withdrawn each year from 2009 – 2011 due to marriages of convenience.

The number of detected marriages of convenience has risen in **Cyprus** and **Lithuania**. In **Lithuania**, the rise is attributed to its accession to the EU. This is also the case for **Cyprus** in relation to the rise from 10 in 2003 to 40 in 2005. It is suggested that the more recent increase (number of cases multiplied by 2.5 from 2010 to 2011) is due to an improvement in detection methods.

In **Portugal**, seven residence permits were withdrawn due to fraudulent family ties (including both marriages of convenience and false declarations of parenthood) in 2011. Additionally, statistics collected by the Department of Justice (Direcção-Geral da Política de Justiça) show a decrease in the number of crimes registered by police authorities concerning marriage of convenience from 45 in 2010 to 25 in 2011. However, statistics on the same phenomenon collected by the Portuguese Immigration and Borders Service (SEF) suggests that there were 55 crimes of marriage of convenience in 2010 and 45 in 2011. This demonstrates the risks of

using different sources, criteria and methodologies during the statistical production process. The disparities may also be due to the fact that information on criminal matters is subject to considerations of legal confidentiality.

Table 5.3: Detected cases of Marriages of Convenience (MoC) based on listed Indicators

(Member) State	Type of indicator	Basis of Statistics	Source	2003	2004	2005	2006	2007	2008	2009	2010	2011
Austria	Law enforcement	Exclusion order on third county nationals due to evidence of MoC	Federal Ministry of the Interior	:	:	:	:	400	230	165	95	30
Austria	Law enforcement	Return ban on the third county national due to evidence of MoC (entry ban as of July 2011)	Federal Ministry of the Interior	:	:	:	:	20	0	5	0	0
Belgium	Decisions on Marriage	Annulments of marriages due to detected marriages of convenience reported to the Migration Board	Migration Board	:	:	:	:	:	:	:	75	:
Cyprus	Decisions on Marriages	Fraudulent marriages identified by the Civil Registry and Migration Department	Civil Registry and Migration Department	10	10	40	30	25	50	50	55	130
Czech Republic	Law enforcement	Cases of marriage of convenience registered for the crime of aiding and abetting illegal residence	Foreign Police Services Directorate (statistics prepared for an internal study)	:	:	:	:	:	0	15	15	:
France	Decisions on Marriages	Marriages annulled due to suspicion / evidence of MoC	Ministry of Justice (one-off survey)	:	365	:	:	:	:	:	:	:
France	Decisions on Marriages	Marriages celebrated abroad involving a French national declared as MoC	Ministry of Foreign Affairs	:	:	:	:	:	:	:	425	:
France	Law enforcement	Police statistics on spouses of convenience	Central Directorate French Border Police (DCPAF)	:	:	:	115	145	130	70	75	95
France	Law enforcement	Uncovered irregular migration networks organizing MoC	Central Directorate French Border Police (DCPAF)	:	:	:	:	:	:	0	5	5
France	Justice	Number of convictions of spouses in MoC	Ministry of Justice and Liberty	:	5	30	40	85	65	45	40	:
Latvia	Residence permits / visas	Temporary residence permits annulled due to suspicion of a MoC	Office of Citizenship and Migration Affairs	:	:	:	:	:	:	5	5	5
Latvia	Law enforcement	Violations detected during home visits by State Border Guard	State Border Guard	:	:	:	:	:	:	10	20	35
Latvia	Victims assistance	Number of people who received the assistance as victims of human trafficking involved in MoC	*Union Asylum Safe Home* (NGO)	:	:	:	:	:	:	5	5	5
Lithuania	Residence permits / visas	Refused residence permits on the basis of reasonable suspicions that a marriage of convenience has been contracted	Migration Department of the Ministry of Interior	:	:	:	:	:	5	10	20	20
Poland	Law enforcement	Number of MoC according to intelligence gathering activities carried out by the Border Guards	Border Guard (Commissioned Study)[39]	:	:	:	:	:	:	50	75	:
Portugal	Law Enforcement	Number of 'crimes' of marriage of convenience detected	Department of Justice	:	:	:	:	:	:	:	45	25
Portugal	Law Enforcement	Number of 'crimes' of marriage of convenience detected	Immigration and Borders Service	:	:	:	:	:	:	:	55	45
Slovak Republic	Law enforcement	Number of cases of MoC in which charges were made based on the Penal Code	Bureau of the Border and Aliens Police of the Police Force Presidium	:	:	:	:	:	:	:	:	5

Source: EMN NCP National Contributions; statistics rounded up or down to nearest multiple of 5; ":" means "Not Available"[39]

[39] Entitled *'The institution of marriage as a means of legalising foreigners' stay on the EU/Schengen territory'*

5.4 Indicators of 'Suspected' Marriages of Convenience

Belgium, **Czech Republic**, **Estonia**, **Finland**, **France**, **Germany**, **Latvia**, **Lithuania**, **Poland**, **Portugal** and **United Kingdom** collect statistics on suspected marriages of convenience, as illustrated in Table 5.4, although again on the basis of different, non-comparable indicators. Again note that the statistics given in the Table make no distinction of suspected cases occurring between third-country nationals or between a third-country and an EU national. Based on the different indicators used, the number of suspected marriages of convenience in 2011 ranged from 1 740 (**United Kingdom**) to 1 120 (**Czech Republic**) down to 35 (**Estonia**) and in 2010 from 5 090 (**Poland**) to 995 (**Germany**) to 10 (**Estonia**).

In **Belgium**, visas refused due to suspicion/evidence of marriages of convenience rose from 645 in 2008 to 880 in 2011. Also, a total of 10 730 marriages of third-country nationals were subject to information exchange between authorities, because the applicant concerned was irregularly residing or had a precarious residence status, and was therefore possibly more likely to marry in order to obtain residence status. According to the National Institute of Statistics, cohabitations that would be eligible for investigation if the same criteria were applied would be in the same order of magnitude.

In **Estonia**, the numbers of suspected marriages of convenience (being investigated and those which have led to the application being withdrawn) have also risen, although they are still very low. According to the Immigration Service in **Finland**, it is estimated that 30% of the negative decisions regarding family reunification on the basis of marriage, are marriage of convenience cases, which amounts to around 85 in 2008 and 250 in 2011, based on the number of negative decisions on applications for family reunification between two spouses.[40]

In **Germany**, the Federal Criminal Police Office records statistics on suspected cases of marriages of convenience that have been reported for criminal investigation. Around 1 000 cases were recorded in 2010 which represents a decrease of 85 compared to the previous year. Although statistics are also available for 2002-2004, a comparison with previous years is not feasible because a different methodology was used. **Lithuania** has also seen a rise in suspected cases. **Latvia** carried out around 300 investigations each year from 2009 to 2011, but it should be noted that several inspections can be carried out for just one case and visits when the individuals are not at home are also counted. The number of actual cases detected in Latvia is much lower.

In the **Netherlands**, the Immigration and Naturalisation Service reported 60 cases of document forgery and/or fraud in relation to a suspected marriage of convenience to the police in 2011. In addition, approximately 100 reports of marriage of convenience per year are logged with the national hotline *'M foundation'*.

[40] The number of negative decisions on applications for family reunification between spouses in 2007 was 325; 285 in 2008; 300 in 2009; 540 in 2010 and 835 in 2011. The estimates for number of suspected marriages of convenience in **Finland** for 2008 (85) and 2011 (250) have been made on the basis of the estimate provided by the Finnish Immigration Service that 30% of all such negative decisions are due to marriages of convenience.

Around 1 in 4 of these (i.e. 25 cases per year) meets the criteria necessary for notification of the authorities. In **Poland**, 3 630 investigations into marriages linked to family reunification were carried out in 2009 and 5 090 in 2010. **Poland** also collects statistics on refusals due to marriages of convenience: the number rose from 135 in 2009 to 205 in 2010, with a decrease to 145 in 2011.

In **Portugal**, 75 residence permits were refused on the basis of suspected marriages of convenience. In **Sweden**, out of 42 000 applications for family reunification in 2011, 6 250 were rejected, of which 3 900 could have been examples of attempted marriages of convenience. The **United Kingdom** provides statistics on the number of reports of suspected marriages of convenience filed by registrars under Section 24 of the 1999 Immigration and Asylum Act. The number of filed reports has been increasing since 2008 with an increase of 186% (935 to 1 740) from 2010 to 2011.

Table 5.4: Suspected cases of Marriages of Convenience (MoC) based on listed Indicators

(Member) State	Type of indicator	Basis of Statistics	Source	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Belgium	Residence permits / visas	Visas refused due to suspicion of MoC	Immigration Office	:	:	:	:	:	:	645	780	710	880
Czech Republic	Law enforcement	Suspected marriages of convenience referred by Special Registry Office to the regional police directorates of the Foreign Police	Foreign Police Service Directorate (FPSD)	:	:	:	:	:	:	:	:	:	1 050
Czech Republic	Law enforcement	Criminal proceedings initiated for suspected aiding and abetting of illegal residence through marriage of convenience	Foreign Police Service Directorate (FPSD)	:	:	:	:	:	:	:	:	:	70
Estonia	Residence permits / visas	Temporary residence permit applications / issued temporary residence permits raising suspicions of MoC	Police and Border Guard Board	:	:	:	:	:	:	:	10	10	35
Germany	Law enforcement	Suspected cases of marriages of convenience	Federal Criminal Police Office	(2 955)	(2 965)	(5 570)	:	:	:	:	1 080	995	:
Latvia	Law enforcement	Inspections performed by State Border Guard	State Border Guard	:	:	:	:	:	:	:	300	295	305
Lithuania	Residence permits / visas	Suspected cases of MoC	Migration department	:	:	:	:	:	30	20	20	60	60
Lithuania	Residence permits / visas	Temporary resident permit not issued/ not replaced due to serious grounds to believe that a marriage of convenience has been concluded	Migration department	:	:	:	:	:	:	5	10	20	15
Poland	Law enforcement	Border Guard opinions for the purpose of administrative proceedings of permits	Border Guard – study (see Table 5.3)	:	:	:	:	:	:	:	3 630	5 090	:
Poland	Residence permits / visas	Residence permits refused due to suspicion / evidence of MoC – Total Article 55 & Article 57 (1) (4)	Office for Foreigners + voivodeship offices	:	:	:	:	:	:	:	135	205	145
Portugal	Residence permits / visas	Residence permits refused on grounds of Marriages of Convenience	Immigration and Borders Service (SEF)	:	:	:	:	:	:	:	:	75	:
United Kingdom	Reports of suspected marriages of convenience	Reports filed by registrars with the UK Border Agency in relation to Section 24 of the 1999 Immigration and Asylum Act.	UK Border Agency (UKBA)	:	:	:	450	280	385	345	560	935	1 740

Source: EMN National Reports; statistics rounded up or down to nearest multiple of 5; ":" means "Not Available"

5.5 Indicators of marriages of convenience between third-country nationals and between third-country and EU nationals

Several Member States (**Belgium**, **Cyprus**, **France**, **Estonia**, **Ireland**, **Latvia**, **Poland**, **Slovak Republic**) were able to provide some statistics on marriages of convenience disaggregated according to, and referring also to the scenarios set out in Section 1.2, whether this was between two third-country nationals (i.e. misuse in the context of Directive 2003/86/EC) or between a third-country national joining a (mobile or non-mobile) EU national.

In **Belgium**, the Immigration Office indicates that third-country nationals whose visa or residence application for family reasons is refused or withdrawn due to evidence of marriage of convenience are most commonly those joining an EU citizen (statistics do not differentiate between Belgian and other EU nationals). Indeed in 2011, 880 visas were refused of a suspected / detected marriage of convenience, of which 665 (75%) were for reunification with an EU citizen and 215 (25%) with a third-country national (no disaggregation is available for other years).

Cyprus and **Ireland** have experienced higher numbers of misuse of the right to reunify with a spouse between mobile EU citizens, exercising their right to free movement and applying for family reunification under Directive 2004/38/EC, and third-country nationals. Since **Cyprus's** accession to the EU, a large proportion of identified marriages of convenience (85 out of 130, i.e. up to 65% of the cases in 2011) were between a third-country national marrying a mobile (non-Cypriot) EU citizen. In these cases, the sponsors are mainly from Romania (43% of all cases) and **Bulgaria** (30%). Whereas in the period 2005 – 2008 the majority of marriage fraud was committed in cases involving a Cypriot national and a third-country national (80% of the cases in 2008), between 2009 and 2011 the majority of cases (65%) were with mobile EU nationals.

In **Ireland** in 2010, the Garda National Immigration Bureau (GNIB) began an operation targeting marriages of convenience. Then, in 2011, the Irish Naturalisation and Immigration Service (INIS) reported that the majority of marriages of convenience taking place for the purpose of immigration were in relation to EU citizens of Eastern European countries (e.g. **Latvia** and **Lithuania**) and men from Pakistan, Bangladesh and India. Indeed, also in 2011, the Minister for Justice and Law Reform stated that the largest third-country national group submitting an application for residence based on marriage to an EU national in Ireland were nationals from Pakistan (around 20% of all such marriages) and of this number around two-thirds involved a marriage to an EU partner from the Baltic States. According to the State Police of **Latvia**, their citizens are principally involved in marriages of convenience in **Cyprus**, **Ireland** and **United Kingdom**.

In **Estonia**, 45 out of the 55 sponsors (i.e. 86%) suspected of being in a marriage of convenience were of Estonian nationality. In 10 other suspected cases, the sponsor was a Russian national. In **Latvia**, among the sponsors of third-country nationals whose permits were annulled between 2009 and 2011, 10 were citizens of Latvia and 5 of the Russian Federation, although Latvian citizens are more

likely to be involved in marriages of convenience in other EU Member States as mentioned above.

Finland has statistics available on refusals of residence permits for family reasons disaggregated according to family relationship and according to the status of the sponsor for 2011. Of the 835 refusals to spouses in 2011, 185 (22%) were spouses applying to join a Finnish citizen; 610 (73%) were spouses applying to join a third-country national and 40 (5%) were spouses applying to join a third-country national with international protection status.

In France, the police statistics for the period 2006-2011 shows that 75% of sponsors involved in marriages of convenience are French nationals (around 80 cases a year). Only 3% are mobile EU nationals and the remaining 22% are third-country nationals, including 14% from Maghreb (around 25 cases a year). In 2010, the County Court prosecutor of Nantes, who is responsible for checking the validity of marriages involving French nationals celebrated abroad, identified 425 possible cases of marriages of convenience conducted in 2010 – this represented 36% of suspected cases forwarded to the court and 1% of total marriages with French nationals conducted abroad.

With regard to the criminal organisations dismantled in Italy, the marriages arranged involved an Italian Sponsor who, in the majority of the cases, was a victim forced into the marriage. In Poland, the most common form of marriages of convenience are between Polish citizens resident in other Member States (for example in Austria, Denmark, Ireland, Italy, Spain, United Kingdom) and third-country nationals and there is evidence to suggest these are increasing. In the Slovak Republic, for the five cases of marriage of convenience in which charges were made in 2011/12, all sponsors were Slovak Republic nationals.

In the Netherlands, there is some evidence of marriages of convenience between mobile EU citizens and third-country nationals. In 2009, the Research and Documentation Centre (WODC) undertook a study into the use of *acquis communautaire* by family migrants from third countries, including 'the Europe Route' – i.e. misuse of the right to family reunification for mobile EU citizens whereby a national of one Member State moves to another for the sole purpose of reunifying with a third-country national family member. However, although the researchers collected a great deal of statistics, they were unable to arrive at clear conclusions about the extent of any misuse of European migration rules, as it was found to be a complex playing field, for which it is not possible to properly identify all of the various relevant aspects. By contrast, the Immigration and Naturalisation Service (IND) carried out an investigation in 2010 into suspected consular marriages of convenience notably between Egyptian men and women originating from Eastern Europe and Portugal. A total of 210 couples not sharing any common language were selected for interview and investigated. Of these, 175 (85%) were rejected because they were identified as marriages of convenience.

In the United Kingdom, marriages of convenience are considered to involve mostly a third-country national seeking to enter or remain on the basis of their marriage to a UK citizen or EEA national. Reports on suspected marriages of convenience from registrars in 2011 mainly involved third-country national men marrying UK and other EU national women. Just under a third (30%) of the men involved were Pakistani

nationals. Over a third of the women involved were UK nationals (36%), followed by Polish (7%) and Lithuanian (6%). An exercise between May and October 2011 provided evidence of abuse of the EEA Family Permit route. The exercise identified a number of third-country nationals coming to the United Kingdom who had entered into a marriage with another EEA national overseas. Some had adverse immigration or criminal histories and in some instances there were concerns over the authenticity of these relationships. Other analysis showed how 720 individuals who had gained settlement in the United Kingdom in 2009 as a spouse of a British citizen had subsequently applied to sponsor a new spouse (possibly their genuine spouse).

5.6 Statistics on False Declarations of Parenthood

There are very few statistics available on false declarations of parenthood, which may be indicative that this form of misuse is rare. Alternatively, it may indicate that the problem is simply not monitored to a sufficient degree.

Belgium, France and Germany provide information on rejected applications for reunification of parent and child or revocations. However, it is not clear whether the cases actually represent suspected or detected cases of misuse. For example, some anecdotal information from the Immigration Office of Belgium suggests that false declarations of parenthood most frequently involves a third-country national mother and her third-country national child who is recognised by a Belgian (or EU) citizen. In 2009, the Police in Liege investigated tens of false declarations of parenthood and concluded that such declarations are primarily made by Cameroonians or other Africans, who all obtained Belgian nationality, or by Belgians. In France, seventeen irregular migration networks organising false recognitions of children were identified in 2009-2011. In Germany, following the introduction of provisions allowing public authorities to contest parenthood, 400 residence permits for third-country national parents of German children have been revoked, although it is very unlikely that these cases were linked to false declarations.

6. Concluding remarks

These concluding remarks outline particular issues arising from the findings of the study which policymakers in particular may wish to consider in their further deliberations on this matter, particularly in respect to the follow-up of the green paper on the Family Reunification Directive.

This EMN Study has identified the practices followed by the (Member) States in addressing misuse of the right to family reunification through marriages of convenience or false declarations of parenthood. Whilst the perception amongst policymakers and the media in particular indicates this may be a widespread phenomenon, the evidence presented in this study suggests that marriages of convenience do occur, but it is not yet possible to fully quantify this across all (Member) States in a comparable manner. Where misuse has been detected, this seems to be primarily for marriages of convenience rather than false declarations of parenthood.

A number of (Member) States are developing policy or amending legislation in order to (better) tackle the misuse. Of particular concern for some Member States are marriages of convenience between a third-country and EU national which, for them, occurs more often than between third-country nationals.

(Member) States have a range of approaches in place to identify and investigate both marriages of convenience and false declarations of parenthood, although they vary between the (Member) States. There is limited involvement of civil society, with (Member) State authorities primarily responsible for detecting misuse. Generally a case-by-case approach is followed with evidence from the combination of techniques that the (Member) States use serving to inform the decision made by the responsible authority(ies).

However, (Member) States face many common challenges in identifying a marriage of convenience from a genuine marriage. Not only is this a sensitive matter in terms of respecting fundamental rights, and the (Member) States are fully committed to their obligations in this respect, but also an investigation tends to be time and resource intensive with the burden of proof most often placed on the (Member) State authority(ies). The lack of clear methodological guidelines may also hamper this process.

In this respect, whilst some exchanges of information (and best practice) between (Member) States does occur, there may be scope to develop this further via a dedicated forum, so that (Member) States may also have a better overview, and be updated on, the situation and practice across the EU. The lack of consistent statistics, as a result of the different approaches followed, clearly makes it challenging to share information within or amongst (Member) States in a comparable manner. However, at least a better understanding of how statistics are obtained, can already serve to support information exchange.

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Annex I: Bibliography

European *acquis*

Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience[41]

Directive 2003/86/EC on the right to family reunification ("Family Reunification")[42]

Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States[43]

Commission Policy documents

Green Paper 'on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)', COM(2011) 735 final

Report from the Commission to the European Parliament and the Council on the Application of Directive 2003/86/EC 'on the Right to Family Reunification', COM(2008) 610 final

Case Law

Judgment of 8 March 2011, Case C-34/09, available at:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009C0034:EN:HTML

Judgment of 15 November 2011, Case C-256/11, available at:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CJ0256:EN:NOT

Judgment of 25th November 2010, Case C-434/09, available at:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009C0434:EN:HTML

Judgement of 27 June 2006, Case C-540/03, available at:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62003J0540:EN:NOT

Publications

ARGO Project, an action programme on "Cooperation in the combat against abuse or misuse of EU administrative statutes"

EMN (2008) 'Family Reunification,' available from http://www.emn.europa.eu > Studies

41 Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997Y1216(01):EN:NOT
42 Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:EN:PDF
43 Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:229:0035:0048:EN:pdf

EMN 'Practical Measures to Reduce Irregular Migration,' available from http://www.emn.europa.eu > Studies

Commission Internationale de l'Etat Civil (CIEC) (2010) "Bogus Marriages: a Study on Marriages of Convenience within ICCS States (Germany, Belgium, Croatia, Spain, France, Greece, Hungary, Italy, Luxembourg, The Netherlands, Poland, Portugal, United Kingdom, Switzerland, Turkey)". Available from: http://www.ciec1.org/Etudes/Fraude/MariagesSimules-ENG-sept2010.pdf

ICMPD (2011) 'Family Reunification Project' – information available at: http://familyreunification.eu/

Poyroy (2011) 'Marriages of Convenience: a comparative study. Rules and practices in Norway, Sweden, Germany, Denmark and Netherlands,' commissioned by the Norwegian Directorate of Immigration, http://www.udi.no/Global/upload/Publikasjoner/FOU/R-2010-053_SAA_Marriages_of_convenience.pdf.

EMN Ad-Hoc Queries[44]

Ad-Hoc Query 328 *Marriage of convenience,* Requested by the UK EMN NCP on 9th June 2011

Ad-Hoc Query 316 *Family Reunification,* Requested by SI EMN NCP on 28th April 2011

Ad-Hoc Query 312 *Consequences of the Zambrano case,* Requested by COM on 19th April 2011

Ad-Hoc Query 303 *Marriages of Convenience,* Requested by HU EMN NCP on 18th May 2011

Ad-Hoc Query 215 *Concept of family member,* Requested by FI EMN NCP, 12th April 2010

Ad-Hoc Query 190 *Verification of legality and genuineness of marriage & validation of paternity,* Requested by CZ EMN NCP on 20th January 2010

Ad-Hoc Query 165 *Family reunification with prisoners who are nationals of a Member State,* Requested by LT EMN NCP on 15th October 2009

Ad-Hoc Query 150 *Conducting other investigation (using a DNA test) in family reunification cases,* requested by HU EMN NCP on 13th August 2009

Ad-Hoc Query 131 *Family reunification with third-country national family members- applicable rules to "non-mobile" EU nationals,* requested by COM on 5th June 2009

[44] Available from http://www.emn.europa.eu under "EMN Ad-Hoc Queries"

EMN INFORM Misuse of the Right to Family Reunification[45]

This EMN Inform presents the main outcomes of the above-titled EMN Focussed Study and responds to a growing concern, notably of policymakers as well as in the media, that the right to family reunification may be misused as a route into settlement in the EU. It also serves to inform the Green Paper on the Family Reunification Directive 2003/86/EC.[46]

1. Aim

The aim of the Study was to identify the scale and scope of two instances of misuse, namely marriages of convenience and false declarations of parenthood and to provide clear evidence, to the extent possible and including available statistics, of these types of misuse and how best to address them. The Study also summarises (Member) States' current practices in the detection and prevention of these types of misuse, which is a concern for all (Member) States.

2. Overall Conclusions

- Whilst the perception amongst policymakers, and the media in particular, indicates that misuse of the right to family reunification through marriages of convenience or false declarations of parenthood may be a widespread phenomenon, the evidence presented in this Study suggests that, while marriages of convenience do occur, it is not yet possible to fully quantify it across all (Member) States in a comparable manner.

- Where misuse has been detected, this seems to be primarily for marriages of convenience rather than false declarations of parenthood.

- A number of (Member) States are developing policy or amending legislation in order to (better) tackle the misuse. Of particular concern for some Member States are marriages of convenience between a third-country

[45] The Synthesis Report of the study, along with the National Contributions from 24 EMN NCPs (**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom and Norway**), is available from www.emn.europa.eu, under "EMN Studies".

[46] See http://ec.europa.eu/home-affairs/news/consulting_public/consulting_0023_en.htm.

and an EU national which, for them, occurs more often than between third-country nationals.

- (Member) States have a range of approaches in place to identify and investigate both marriages of convenience and false declarations of parenthood, although they vary between the (Member) States. There is limited involvement of civil society, with (Member) State authorities primarily responsible for detecting misuse.

- Generally a case-by-case approach is followed with evidence from the combination of techniques that the (Member) States use serving to inform the decision made by the responsible authority(ies).

- (Member) States face many common challenges in identifying a marriage of convenience from a genuine marriage. Not only is this a sensitive matter in terms of respecting fundamental rights, and the (Member) States are fully committed to their obligations in this respect, but also an investigation tends to be time and resource intensive with the burden of proof most often placed on the (Member) State Authority(ies). The lack of clear methodological guidelines may also hamper this process.

- In this respect, whilst some exchanges of information (and best practice) between (Member) States does occur, there may be scope to develop this further via a dedicated forum, so that (Member) States may also have a better overview, and be updated on, the situation and practice across the EU.

- The lack of consistent statistics, as a result of the different approaches followed, clearly makes it challenging to share information within or amongst (Member) States in a comparable manner. However, at least a better understanding of how statistics are obtained, can already serve to support information exchange.

3. Other Key Findings

Wide variation in the perception of the extent of the issues exists across (Member) States.

Whilst (national) legislation exists, or is in the process of being amended, to address misuse in all (Member) States, there is wide variation in the perceptions of its extent. This ranges from it being unclear, to a minimal or marginal issue, to increased observations, to being a policy priority. Of particular concern for some (Member) States, are marriages of convenience concluded by their nationals (often women) in other Member States. There is also some evidence to suggest the involvement of organised crime groups.

Main motivations for sponsors and applicants were found to be for economic and financial reasons, plus obtain the right of residence and associated benefits. Other factors also play a part.

Motivations identified in almost all (Member) States for a sponsor to participate in a marriage of convenience were principally economic and financial, with some indication that organised crime groups pay the sponsor; through coercion; so-called "grey marriages," where the sponsor enters into a marriage unaware that the motivations of the applicant are purely to obtain legal residence; helping out a friend or acquaintance; compassionate or humanitarian grounds, or idealism, where the sponsor disagrees with the authorities or the immigration rules; to gain lawful residence or to bypass an entry ban; and for a younger third-country national to act as a carer for an older sponsor. From the perspective of an applicant, the main motivations cited were to obtain the right of residence and associated benefits, or to remain in the (Member) State.

Motivations of both sponsors and applicants for false declarations of parenthood appear to be less well developed and reported. They were predominantly for financial and economic reasons; to prevent a negative international protection ruling; and with the intention of regularising an irregular residence situation.

National measures developed to prevent misuse are implemented through a range of authorities and agencies.

National means of preventing misuse of marriages of convenience range from measures taken by embassies in the countries of origin; collection of facts and interviews; checks on family ties; information about lifestyle, national and religious traditions; and interviews with both sponsors and applicants. Measures taken by the Police include inspections in registered residences, places of employment and schools, consultation with municipal authorities and cross-checks with police information systems. In some cases, non-governmental organisations may also play a role in prevention of misuses.

In terms of authorities responsible for investigating marriages of convenience, these tend to be the responsibility of law enforcement agencies, such as the police and public prosecutor's office, working with a range of national or regional / local authorities, such as civil registries and institutions with responsibility for migration, borders and residence. In some situations, consular staff may be involved. Misuse has also been identified by authorities detecting benefit fraud. Civil registrars in particular are expected to play a role by reporting any suspicions they may have. For false declarations of parenthood, similar authorities are involved with the addition of case workers.

For false declarations of parenthood, a difficulty is that authorities have little or limited means of addressing misuse once the conditions for establishing recognition (consent of parent, child or legal representative) and formal conditions for recognition (civil status, nationality, identity and birth related documents) are respected. Where

a family is unable to provide any documentation to prove a relationship between the parent(s) and the child, some (Member) States may conduct DNA tests.

Comprehensive techniques have been developed, but (Member) States face challenges in detecting, investigating and proving misuse.

Authorities may trigger an investigation where the sponsor has previously been involved in a family reunification; where either spouse has been involved in a marriage of convenience previously; where there is evidence of a record of previous short-term marriages; or where they receive a report about a suspicious marriage (e.g. from civil registries, clergy or the public). Techniques then used include, frequently in combination and depending on individual circumstances, interviews with the sponsor and applicant; background checks; home visits; third party and community based checks, to test the couple is living together, including checks with public services and utility providers, document checks and, in some cases, the couple is asked to independently complete a questionnaire and their individual responses are subsequently compared.

Challenges that exist in detecting and investigating marriages of convenience include both the sponsor and applicant being well-prepared for interviews; being both time consuming and resource intensive; the absence of methodological guidelines; and respecting rights conferred under EU or national law. For false declarations of parenthood, triggers are less developed in part owing to the no or very limited experience in the (Member) States, but include assessing the strength of the relationship; unusual age or nationality difference; parents living at different addresses; concerns expressed by a case worker; and where the child keeps the mother's maiden name not the father's.

To prove a marriage of convenience based on these various triggers, (Member) States generally take a case-by-case approach and review the various elements that might constitute evidence to support or oppose the notion that a marriage of convenience has been contracted. The burden of proof, however, lies with the (Member) States in a majority of cases, unless it is part of criminal proceedings. A similar approach is used with false declarations of parenthood with, in addition, some (Member) States also using DNA testing. Again the burden of proof rests mainly with the (Member) State authorities although there are some exceptions where at least part of the burden rests with the applicants.

Where misuse is proven, penalties vary across (Member) States, but can include imprisonment and fines (for the sponsor) and refusal or revocation of a residence permit (for the applicant).

If a marriage of convenience is detected, likely penalties can include, for the sponsor, imprisonment, fines, or both. The extent and amount of these vary between the (Member) States with imprisonment of up to 5 years and fines of up to €15 000. For the applicant, penalties (additionally) include the refusal of a residence permit or, if already granted, its revocation or invalidation. Similar penalties exist for false

declarations of parenthood, but with imprisonment of up to 10 years and fines of up to €750 000. In all cases, there is the right to appeal.

(Member) States co-operate to address misuse in a number of ways.

European co-operation occurs in a number of ways, informal, ad hoc or via formal agreements. Examples include between Belgium and the Netherlands on the so-called "Europe Route;" between Ireland and Latvia in connection to the high incidence of suspected cases between third-country and Latvian nationals marrying in Ireland; via immigration Liaison Officers (ILOs); and a joint operation between the Netherland and United Kingdom in relation to Dutch Antilleans seeking identity and then marriage in the latter.

Available statistics support the fact that marriages of convenience do occur, but it is not yet possible to fully quantify this across all (Member) States in a comparable manner. Very few statistics are available in relation to false declarations of parenthood.

To provide some context, in 2010, a total of 720 200 permits for family reasons were issued by EU Member States (excepting Estonia, Sweden for which complete statistics are not available), some 496 450 (or 68.9% of this total) of which were issued to a third-country national joining with a third-country national.

With regard to the identified cases of marriages of convenience, and noting that in many cases no distinction between those occurring between third-country nationals and those occurring between a third-country and an EU national was possible, residence permits refused or revoked by a (Member) State ranged, in 2011, from 5 up to 990, and in 2010 again from 5 up to 1 360.

In terms of marriages of convenience *detected* in other ways by a (Member) State, this varied, in 2011, from 5 to 130 and, in 2010, from again 5 up to 425. *Suspected* marriages of convenience in a (Member) State ranged in 2011 from 1 740 down to 35.

The very few statistics available on false declarations of parenthood may be indicative that this form of misuse is rare. Alternatively, it may indicate that the problem is simply not monitored to a sufficient degree.

4. Further Information

Should you have specific questions or require further details, please contact the EMN via HOME-EMN@ec.europa.eu.

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Misuse of the Right to Family Reunification

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This EMN Focussed Study responds to a growing concern, notably of policymakers as well as in the media, that the right to family reunification may be misused as a route into settlement in the EU. It also serves to inform the Green Paper on the Family Reunification Directive 2003/86/EC.

The aim of the study was to identify the scale and scope of two instances of misuse, namely marriages of convenience and false declarations of parenthood and to provide clear evidence, to the extent possible and including available statistics, of these types of misuse and how best to address them. The study also summarises (Member) States' current practices in its detection and prevention.

The Synthesis Report presented here summarises the main findings of National Contributions from 24 EMN NCPs (**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom and Norway**). It is available, along with the National Contributions, from www.emn.europa.eu, under 'EMN Studies'.

Further information on this, and other EMN outputs, may also be obtained from HOME-EMN@ec.europa.eu.

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