

New Immigration System: Getting married or registering as a couple in the United Kingdom (UK) post Brexit.

On January 1st, 2021, the free movement of people between the European Union (EU) and the UK ended, and the UK modified its immigration system on October 22nd, 2020 under the rubric "Statement of changes in immigration rules"¹, creating a visa system for those European citizens who wish to travel to the United Kingdom from December 31st, 2020.

The existing ties and the multiple relationships between British and European citizens are evident as a result of the UK (including Gibraltar) having remained within the EU for 48 years, hence, with Brexit and the withdrawal of the UK from the EU, surfaces the problematic situation as to how Spanish nationals are to proceed to marry or register as civil partners in the UK or Gibraltar.

For all those European citizens who had their residence in the UK before January 1st, 2021, they have the option of applying for pre-settle status under the EU Settlement Scheme (EUSS) until June 30rd, 2021, to get the same rights that British nationals have, including the situation discussed here about marrying or registering as civil partners.

Visa for marriage

On the contrary, for those other Europeans who wish to visit the UK for the purposes of getting married or registering as civil partners after December 31st, 2020, they must apply for a marriage visa or the "marriage visitor visa"² provided that the following requirements are met:

- a) Have reached the age of majority of 18 years,
- b) Have sufficient financial availability to meet the expenses of stay and departure from the UK - avoiding the start of any work activity in the country,
- c) Demonstrate it is a genuine relationship, that is, true, to avoid possible fraudulent marriages or civil unions within the British territory.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929512/CC_S001_CCS1020373376-001_Statement_of_changes_in_Immigration_Rules_HC_813_Web_Accessible_1_.pdf

² <https://www.gov.uk/marriage-visa/eligibility>

This visa only allows to the parties to obtain a short period of legal stay to get married and take place the ceremony on British territory. Therefore, it does not allow obtaining residence after being married, much less extending it, changing it to a different visa while the party is in the UK, living for a long period through frequent visits or carrying out prohibited activities such as studying or working (except for activities related to the work or business abroad, such as attending meetings, which are allowed).

However, there is the option of applying for other types of visas when the interested parties are outside the UK after having contracted marriage or registered a civil partners, such as the "family visas"³. For applying, both members of the marriage or couple must be of legal age. In addition, the partner of the member who requests the visa must either: obtain British or Irish nationality, or be already established in the UK, or be from the European Union and have been granted "pre-settle status", or other circumstances such as having a Turkish business visa or having a refugee or humanitarian protection status in the UK.

One of the situations that occurs in a ceremony is the invitation of family and friends. In this sense, the "marriage visitor visa" does not allow any guest or family member to be added in the same visa, even those family members considered dependents; accordingly, all of them must apply another visa individually.

Finally, due to the special regime of Gibraltar after the agreement between Spain and the UK on this British colony, it is not necessary for Spanish nationals - as well as any European national - to apply a visa to marry or register as civil partners⁴. The parties will only have to attend to the requirements and provide the required documents necessary of the corresponding body in all the phases to carry out the procedures and formalization of the marriage or as civil partners as well as the measures established for reasons of Covid-19.

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³ <https://www.gov.uk/uk-family-visa/partner-spouse>

⁴ <https://www.gibraltar.gov.gi/uploads/files/marriages-civil-partnerships/MARRIAGE-GUIDANCE-NOTES-APRIL-2021.pdf>