



Home Office

# **Detention Services Order 06/2015**

## **Marriage/Civil Partnership in Immigration Detention**

July 2023



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# Document Details

**Process:** Facilitating the marriage or civil partnership of detained individuals in immigration detention.

**Implementation Date:** December 2015 (reissued July 2023)

**Review Date:** July 2025

**Version:** 2.0

## Contains Mandatory Instructions

**For Action:** Home Office staff and suppliers operating in immigration removal centres (IRCs), pre-departure accommodation (PDA) and residential short-term holding facilities (RSTHFs) and escorting suppliers; and Home Office responsible caseworkers This DSO is not applicable at non residential STHFs (Holding Rooms).

**For Information:** Home Office caseworkers

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**Processes Affected:** Movement/escorting of detained individuals

**Assumptions:** All staff will have the necessary knowledge to follow these procedures.

**Notes:** This Detention Services Order (DSO) replaces DSO 6/2015 version 1.0, which is cancelled.

# Instruction

## Introduction

1. This Detention Services Order (DSO), provides instructions and operational guidance for all Home Office staff and contracted suppliers operating in Immigration Removal Centres (IRC), Gatwick Pre-departure Accommodation (PDA), Residential Short-term Holding Facilities (RSTHFs) and Escorting Staff on action to take regarding facilitating the marriage/civil partnership of a detained individual outside the centre (and, at Dungavel only, within the centre).
2. The instructions in this guidance are applicable for detained individuals who wish to have either a civil ceremony, or religious ceremony. For the purpose of the guidance “ceremony” covers both religious and civil ceremonies.
3. The guidance includes where a detained individual is proposing to marry or enter into a civil partnership with either a fellow detained individual, or with a person who is not detained.
4. This DSO does not apply to those detained in a non - residential STHF or Residential Holding Rooms (RHRs).
5. This DSO does not apply to those detained under immigration powers in prisons. For those being held in the Prison estate under Immigration Powers, Prison Service Orders (PSO’s), Prison Service Instructions (PSI’s) and Policy Frameworks will apply.
6. For the purpose of this guidance, “centre” refers to IRCs, Short-term Holding Facilities (residential) and the Gatwick PDA. Facilities in RSTHFs tend to be more limited than those in IRCs; however, this guidance should be followed as far as reasonably practicable.
7. Two different Home Office teams operate in IRCs:
  - Detention Services Compliance team (Compliance team)
  - Immigration Enforcement Detention Engagement Team (DET)

The **Compliance team** are responsible for all on-site commercial and contract monitoring work. The **DETs** interact with detained individuals face-to-face within the IRCs, on behalf of responsible officers within the removal centres. They focus on communicating and engaging with people detained at IRCs, helping them to understand their cases and reasons for detention.

There are no DETs at RSTHFs. Functions which are the responsibility of the DET in RSTHFs are carried out by the Service Provider and overseen by the International and Returns Services (IRS) Escorting Contract Monitoring Team (ECMT). In the Gatwick PDA, the role of engagement with detained individuals is covered by the local Compliance Team.

## Procedures

8. Generally, detained individuals should be permitted to marry/register a civil partnership providing that:
  - there is no known legal impediment (note: getting married or entering a civil partnership to gain an immigration advantage is not a legal impediment and, in any event, only a registrar may prevent a marriage/civil partnership on this ground);
  - the couple has complied with any requirements of an investigation under the Home Office marriage referral and investigation scheme (the Scheme) and the required period of notice has expired (see below); and
  - escorts can be arranged without disrupting the smooth running of the centre.

## Action to take when notified of a detained individual's intention to marry or enter a civil partnership

9. Centre Supplier staff must, in all cases, inform both the Compliance and DET teams, by email to their respective team inbox, of a detained individual's intention to marry.
10. On receiving notification of a forthcoming marriage or civil partnership, the DET team must, in every case, refer all relevant information to the Casework team (the Casework team will in turn refer all relevant information to the Marriage Referral and Assessment Unit.). Relevant information may include, but is not limited to, the detained individual's name, date of birth, nationality and Home Office number.
11. Requests for escorting to a ceremony must not be approved by the Supplier Centre Manager until the responsible caseworker has confirmed that the couple has complied with any required Home Office investigation and the required period of notice has expired.

## Legal requirements prior to a marriage or civil partnership

12. All proposed marriages or civil partnerships where one or both of the parties could gain an immigration advantage from the marriage or civil partnership, will be referred to the Home Office by the registrar.
13. The Immigration Act 2014 sets the notice period (i.e. the time between giving notice and the ceremony taking place), for all couples who wish to marry following civil preliminaries or enter into a civil partnership to a minimum period of 28 days.
14. The notice period will be extended from 28 days to 70 days where the Home Office MRAU gives notification of a decision to investigate the genuineness of the relationship. This gives the Home Office more time to identify and investigate proposed marriages and civil partnerships where there are reasonable suspicions that the relationship is a sham<sup>1</sup>, and take enforcement or casework action to prevent a participant from gaining an immigration advantage based on that relationship. If an interview under the Scheme is required, it must be arranged in accordance with the [statutory guidance](#). A couple will be unable to marry or enter into a civil partnership based on the referred notice if they fail to comply with a requirement of an investigation under the Scheme, and do not provide a reasonable excuse for any non compliance.
15. In England and Wales, notice of intention to marry/form a civil partnership must be given **in person** at a register office with both parties attending **together, in person**, in a district where at least one of the parties has resided for at least 7 full days immediately before the day on which they give notice to marry or form a civil partnership. Requirements for giving notice are available on GOV.UK: [Marriage and Civil Partnerships in England & Wales](#).
16. In Scotland and Northern Ireland, notice of marriage or civil partnership may be given at any register office and this notice can be given by post, but parties may be asked to attend the registrar's office before the wedding or civil partnership. Further details for Scotland and Northern Ireland are available at [National Records of Scotland](#), and [nidirect](#), respectively.
17. The notice to marry or register a civil partnership is valid for one year if it is given in England, Wales, or Northern Ireland; or for three months if it is given in Scotland.

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<sup>1</sup> As defined in the Immigration and Asylum Act 1999 (as amended).

## Arranging escorts for giving notice/marriage/civil partnership

18. Providing reasonable notice is given, the centre supplier staff should make arrangements for escorting the detained individual to give notice of the marriage/civil partnership at the relevant register office (i.e. to meet the detained individual's fiancé(e)/proposed civil partner there) in England/Wales, or if required to attend the register office in Scotland or Northern Ireland.
19. Escorting arrangements to the marriage/civil partnership ceremony itself must not be made by the Centre Supplier's staff until confirmation is received from the Casework Team that the couple has complied with any required Home Office investigation under the Scheme, and have received permission to marry or form a civil partnership at the end of the required period of notice.
20. Provided the couple has complied with any requirements under a Home Office investigation under the Scheme and permission to marry or form a civil partnership is granted, the final decision on facilitating the necessary practical arrangements for marriages/civil partnership ceremonies including escorting, should be made locally according to existing arrangements by the centre supplier manager and responsible caseworker in conjunction with IRS Detainee Escorting and Population Management Unit (DEPMU) as necessary.

## Suspected Sham Marriages/Civil Partnerships

21. There is no power to prevent a marriage or civil partnership from taking place on the basis that the relationship is a sham, but where a sham is established, the Home Office will seek to take casework or enforcement action, and will refuse subsequent immigration applications based on that relationship

## Revision History

| Review date | Reviewed by                                     | Review outcome                  | Next review   |
|-------------|---|---------------------------------|---------------|
| April 2016  | Removals<br>Enforcement and<br>Detention Policy | Unit name change in paragraph 4 | December 2017 |



| Review date | Reviewed by | Review outcome  | Next review |
|-------------|-------------|---|-------------|
| July 2023   | T Amisu     | General update and reformat<br><br>Amended to include the roll out of<br>DET teams and individual<br>responsibilities<br><br>Update to the legal requirements<br>prior to a marriage or civil partnership | July 2025   |