



Home Office

Relationship with a Partner

Assessing the relationship with a partner based on the Immigration Rules: Appendix Relationship with Partner.

Version 4.0

Contents

Contents.....	2
About this guidance.....	4
Contacts	5
Publication	5
Changes from last version of this guidance	5
Partners.....	6
Who is a partner?	6
Burden and standard of proof.....	7
When a relationship with a partner is considered	8
Summary of relationship requirements.....	9
Age requirement.....	10
Requirement that any marriage or civil partnership is valid	11
Evidence of marriage or civil partnership.....	11
Approved premises in UK	11
Diplomatic premises.....	12
Proxy marriages.....	12
Marriages at sea	12
Invalid marriage or civil partnership.....	12
No documentary evidence of a valid marriage or civil partnership.....	12
Requirement that the partners not be closely related	14
Requirement for previous relationships to have broken down.....	16
Evidence of death	17
Evidence of divorce / dissolution	17
Evidence of the end of a previous durable relationship	17
Where there is no documentary evidence of the end of a previous relationship	18
Polygamous and polyandrous relationships	19
Requirement for partners to have met in person	21
Durable relationship	22
What is a durable relationship	22
Assessing a durable relationship	22
Where there is no documentary evidence of a durable relationship.....	23
Genuine and subsisting relationship requirement (assessing a relationship for the first time)	24
Evidence of a genuine and subsisting relationship	24

Where there is no documentary evidence of a genuine and subsisting relationship	27
Subsisting relationship (second and subsequent applications with the same partner)	28
Evidence of a subsisting relationship	29
Direct checks (where both partners are in the UK)	29
Where there is no documentary evidence of a subsisting relationship	30
Cultural awareness	30
Evidential flexibility	32
Translations	32

About this guidance

This guidance is for decision-makers who are assessing a person's relationship with their partner under Appendix Relationship with Partner. It explains what the relationship requirements for partners are and how to decide whether applicant has met them.

The guidance also sets out the type of evidence that is relevant to show a person meets the relationship requirements, the applicable burden and standard of proof and explains where there is discretion.

This guidance currently applies to applications under:

- Appendix Ukraine Scheme (the Ukraine Family Scheme, the Homes for Ukraine Sponsorship Scheme and the Ukraine Extension Scheme)
- Appendix Settlement Family Life
- Appendix Family Reunion (Protection)
- Work routes, including:
 - Appendix Global Business Mobility
 - Appendix Global Talent
 - Appendix High Potential Individual
 - Appendix Innovator Founder
 - Appendix International Sportsperson
 - Appendix Representative of an Overseas Business
 - Appendix Scale-up
 - Appendix Skilled Worker
 - Appendix Start-up
 - Appendix T2 Minister of Religion
 - Appendix Temporary Work - Creative Worker
 - Appendix Temporary Work - Religious Worker
 - Appendix Temporary Work - Charity Worker
 - Appendix Temporary Work - International Agreement
 - Appendix Temporary Work - Government Authorised Exchange
 - Appendix UK Ancestry
- Study routes Appendix Student and Appendix Graduate

This guidance does not apply to those applying on the basis of their family life under Appendix FM, or as dependent partner under certain routes. If you are not considering an application under routes listed above, you should refer to the route specific guidance.

For example, if a person is applying for permission to enter or remain as a partner under Appendix FM you should refer to the guidance on Family life (as a partner or parent), private life and exceptional circumstances as it explains the relationship requirements and signposts to specific guidance on Partners, Divorce and Dissolution.

For Appendix Innovator Founder and other work routes, you should still apply the Dependent family members in work routes guidance for dependent children and partners, but should apply this guidance for relationship requirements.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Simplification and Systems Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **4.0**
- published for Home Office staff on **6 September 2023**

Changes from last version of this guidance

This guidance has been updated to reflect the inclusion of the following routes:

- Appendix Student
- Appendix Graduate
- Appendix Skilled Worker
- Appendix Global Business Mobility
- Appendix Scale-up
- Appendix High Potential Individual
- Appendix Global Talent
- Appendix Start-up
- Appendix T2 Minister of Religion
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix International Sportsperson
- Appendix Temporary Work - Creative Worker
- Appendix Temporary Work - Religious Worker
- Appendix Temporary Work - Charity Worker
- Appendix Temporary Work - International Agreement
- Appendix Temporary Work - Government Authorised Exchange

Related content

[Contents](#)

Partners

This section explains who is a partner for the purpose of Appendix Relationship with a Partner.

Who is a partner?

A 'partner' is defined in the [Immigration Rules](#) (paragraph 6.2) as a person who is married to, or in a civil partnership with, another person, or a person who is unmarried and is part of a couple who have been living together in relationship similar to marriage or civil partnership for at least 2 years (often referred to as a 'durable relationship') unless the contrary intention appears.

That definition applies to Appendix Relationship with a partner except that there is no requirement for the parties to a durable relationship to have been living together for at least 2 years, as long as the relationship is similar to a marriage or civil partnership: see section on [durable relationship](#).

A fiancé or fiancée or proposed civil partner is not included in the definition of partner and the guidance on assessing that relationship under the Ukraine Scheme is in the route specific guidance. However, a fiancé or fiancée or proposed civil partner may also meet the requirements for a durable relationship: see section on [durable relationship](#).

Related content

[Contents](#)

Burden and standard of proof

The burden of proof is on the applicant to show they meet the relationship requirements. The standard of proof is the balance of probabilities (which means it is more likely than not they meet a requirement). When considering the application, you should have regard to all the relevant information and you should request more information, or clarification, if you need to do so.

You must consider the information on the application form and all the other evidence in the round. However, not all evidence will have equal weight. Official and verifiable evidence carries the most weight. Statements without supporting evidence have less weight. Applicants are not encouraged to provide photographic evidence or evidence of interaction over email, WhatsApp or other social media as they can be falsified and are difficult to verify. However, this does not mean such evidence has no weight at all. When considered in the round evidence and accumulation of evidence that has less weight may satisfy you that it is more likely than not the relationship requirements are met.

Related content

[Contents](#)

When a relationship with a partner is considered

This section explains when a relationship with a partner is considered during the casework process.

A relationship with a partner may be relevant at different points in the casework process:

Validity requirements – a person applying as a partner under Appendix Family Settlement must already have permission as a partner. To establish this you must look at the applicant's current (or last) permission in the person summary section of the casework system. You do not need to reassess the relationship with the partner at the validity stage.

Suitability requirements – an application can be refused on suitability grounds if the applicant is or has been involved in a sham marriage or civil partnership. If you have reason to believe it may be relevant you must follow the Sham Marriage guidance.

Eligibility requirements – the relationship requirements are part of the assessment of eligibility.

Related content

[Contents](#)

Summary of relationship requirements

This section summarises the relationship requirements and explains when they need to be assessed at the first and/or subsequent applications as a partner.

The relationship requirements are:

- that both partners are aged over 18 on the date of application
- that any marriage or civil partnership must be valid
- the partners must not be so closely related they would be prohibited from marriage or a civil partnership in the UK
- any previous relationships must have broken down
- the partners must not be in a [polygamous or polyandrous marriage or civil partnership](#) (unless an exception applies).
- where partners are unmarried and not in a civil partnership, they must have been in a relationship similar to marriage or civil partnership for at least 2 years
- the partners must have met in person
- the relationship must be genuine and subsisting

If the person who is applying as a partner has not previously been granted permission on the basis of their current relationship (even if they were granted as a partner based on a previous relationship), you must consider whether they meet all the relationship requirements.

If the person who is applying as a partner has been granted permission in a previous application on the basis of their relationship with their current partner you do not need to reassess all of the relationship requirements. Instead, you will generally only need to consider whether their relationship is subsisting, unless there is new information that suggests the previous decision was not based on the full facts. See section on [How to consider second and subsequent application with the same partner](#).

Related content

[Contents](#)

Age requirement

This section explains when and how to consider the requirement for partners to be aged 18 or over on the date of application.

You only need to consider this if it is the person's first application based on their current partner, or where the person is relying on a relationship with a new partner.

You must check the date of birth of the applicant shown in the person summary and check this against their passport or other document establishing identity and nationality.

You must also check the applicant's partner's date of birth given on the application form, any identity document provided with the application and their person summary if they have one.

Where the applicant or their partner is under 18 you must normally refuse their application.

Where either party is agreed under 18 and you have concerns, you should follow relevant child safeguarding processes, for example the Local Authority Child Referrals guidance and the forced marriage process in the Marriage Investigations guidance.

Related content

[Contents](#)

Requirement that any marriage or civil partnership is valid

This section explains how to assess if a marriage or civil partnership is valid.

You only need to consider the validity of the marriage or civil partnership at the person's first application as a partner of their current spouse or civil partner, unless there are grounds to think the previous decision that the marriage or civil partnership is valid was incorrect.

The purpose of this requirement is to ensure that marriages or civil partnerships are carried out in accordance with the law of the country in which they took place and are recognised in the UK.

Evidence of marriage or civil partnership

Where the applicant says they are married or in a civil partnership they are asked to provide evidence and they should normally provide an official document such as a marriage certificate or certificate of civil partnership issued in accordance with the law of the country where the ceremony took place. If it is genuine this document can be accepted as evidence that the marriage or civil partnership is lawful in the country where it took place, just as a UK marriage or civil partnership certificate would be accepted as evidence a marriage or civil partnership in the UK is lawful.

Where the applicant and their partner have married or entered into a civil partnership in the UK since 14 May 2014, their marriage or civil partnership would have been checked unless exempt, under the Home Office marriage and civil partnership referral and investigation scheme before Notice of Marriage or Civil Partnership was approved by the Home Office. Where the applicant and their partner were issued with a positive Notice of Marriage or Civil partnership permitting them to marry or enter a civil partnership, and they have done so, the marriage or civil partnership should be regarded as valid. You can check this information on the case working system on the person summary.

Approved premises in UK

For a marriage or civil partnership to be accepted as valid it must have taken place at approved premises to conduct marriages/ civil partnership, such as a register office or religious premises in [England and Wales](#), [Scotland](#) or [Northern Ireland](#). Under UK laws, marriages or civil partnership must be solemnised in readily identifiable premises (so that the public have access to witness the ceremony, and if necessary, object to the marriage). Where you have an official document recognising the marriage in the UK, you do not need to check this.

Diplomatic premises

There are no diplomatic premises in the UK, such as foreign embassy, high commission, consulate or other diplomatic premises which are approved for solemnisation of marriages or formation of civil partnerships in the UK. This means that marriages or civil partnerships conducted in diplomatic premises in the UK are not valid in the UK.

Proxy marriages

Marriages or civil partnerships conducted by proxy in the UK, where one of the contracting parties has appointed someone (a 'proxy'), to represent them at the ceremony are not recognised in the UK. But the UK recognises a marriage or civil partnership by proxy as valid if it took place under the law of another country where proxy marriage is lawful: see section on [evidence of marriage](#).

Marriages at sea

Marriage or civil partnership at sea on a UK registered ship is not recognised under UK law. Where you come across a marriage/civil partnership which has taken place at sea you must first establish whether the ship is registered as a UK ship on the [UK Ship Registry](#) and if this is the case the marriage is not valid.

In cases where marriage/civil partnership took place at sea on a ship registered to a country other than the UK, you should check whether the law of the country under which the ship is registered permits marriages at sea. You can do so by referring to the specific country's marriage laws. If such marriage/civil partnership is recognised by law you can accept it as valid. If this is not the case, you should not accept the marriage/civil partnership as valid.

Invalid marriage or civil partnership

Where you are not satisfied the marriage or civil partnership is valid, you must not automatically refuse the application. You should continue your consideration as if the partners are unmarried and not in a civil partnership and assess whether they meet the requirements for a durable relationship: see section [durable relationship](#).

No documentary evidence of a valid marriage or civil partnership

Where an applicant states they are unable to provide official documentary evidence of their marriage or civil partnership you should consider the reasons given for not being able to provide such evidence. Where you have concerns because of a lack of documentary evidence of a marriage or civil partnership, you may wish to contact the applicant to seek further information about their circumstances. See the Ukraine Scheme guidance on what to do when documentary evidence is not available on that route.

Where you are not satisfied that it is more likely than not there is a valid marriage or civil partnership you must consider whether the couple are in a durable relationship.

However, if the evidence of the marriage or civil partnership is false you should normally refuse the application on suitability grounds: see guidance on False representations, deception, false documents, non-disclosure of relevant facts.

Related content

[Contents](#)

Requirement that the partners not be closely related

This section explains how to consider if the partners are too closely related (such as they are within the prohibited degree of relationship).

This requirement applies to applicants who are married or in a civil partnership and to those who are in a durable relationship.

You do not need to consider this requirement where a person was married or entered into a civil partnership in the UK as this requirement would have been checked before the marriage or civil partnership took place.

You only need to consider this requirement at the person's first application with their current partner, or where the person is relying on a new relationship. You do not need to reassess this requirement where the applicant is applying for settlement unless the applicant is relying on a relationship with a new partner.

The applicant and their partner must not be so closely related that they would be prohibited from marrying or entering into a civil partnership with each other in the UK, as defined in the Marriage Acts 1949 to 1986, the Marriage (Scotland) Act 1977 and 1986, the Marriage (Northern Ireland) Order 2003, the Civil Partnership Act 2004 and the Marriage and Civil Partnership (Scotland) Act 2014.

Two people are within prohibited degree of relationship if one falls within the prohibited degree of relationship in relation to the other as follows:

- adoptive child
- adoptive parent
- child
- former adoptive child
- former adoptive parent
- grandparent
- grandchild
- parent
- parent's sibling (aunt or uncle)
- sibling (brother or sister)
- sibling's child (nephew or niece)

In this context, 'sibling' means a brother, sister, half-brother or half-sister. Step-siblings are not included in this definition.

Applicants applying as a partner for the first time are asked to confirm on the application form that they are not closely related. Generally, this statement will be sufficient and further evidence is not required.

If you have reason to believe that partners may be too closely related, you should contact the applicant and request further information before making a decision.

Related content

[Contents](#)

Requirement for previous relationships to have broken down

This section explains how to assess whether any previous relationship of the applicant or their partner has permanently broken down.

You do not need to consider this where a person is relying on a marriage or civil partnership entered into in the UK as this would have been checked before the marriage or civil partnership took place.

You only need to consider this at the person's first application with their current partner, or where the person is relying on a new relationship.

A relationship has permanently broken down where any of the following apply:

- the other person has died
- the marriage or civil partnership has ended following divorce or dissolution (though see section below on validity of [divorce or dissolution](#) and where a couple cannot divorce)
- a marriage, civil partnership or durable partnership has ended in separation

You should be mindful that overseas divorce procedures and customs might be different than those in the UK. Some countries religions or customs make divorce or dissolution difficult or impossible, but the parties to the previous relationship must be separated.

There might be circumstances where an applicant has entered into a new relationship with someone after a previous marriage or civil partnership has broken down permanently but where they are still in the process of finalising the divorce or dissolution with the previous partner. This means that the durable relationship might have started when a person is still legally married to, or in a civil partnership with, someone other than the person they are in a durable relationship with. The durable relationship counts as long as the previous relationship has permanently ended.

If an applicant indicates that they or their partner cannot divorce a previous partner, you should check the relevant country information to confirm this is consistent with available information. You can refer to the relevant Country Policy and Information Notes or in the absence of such information, you should consult your Senior Caseworker/line manager on whether to request information from the Country Policy Information team (CPIT) conduct research and if so complete the Country of Origin Information request (COI) form.

If you have reason to believe that a previous relationship has not permanently ended, you should contact the applicant or their partner to seek further information about their circumstances. You may also need to consider the guidance on [Polygamy or Polyandry](#).

Evidence of death

If the applicant states on the application form that their former partner (or the former partner of their current partner) has died they will be asked to provide evidence with their application. They will normally provide a death certificate or other official document.

Where a person has died in the UK their partner can obtain a death certificate. Death certificates may not be available in all countries. Where a death, or presumed death, has taken place overseas, you should be satisfied that any official document relied on is genuine and is valid in the country which it was obtained.

Evidence of divorce / dissolution

If the applicant states on the application form that they or their current partner are divorced, or their civil partnership was dissolved, they will be asked to provide documentary evidence.

In the UK divorce is only accepted by obtaining a decree from a civil court in the UK. A decree absolute is the legal document that ends marriage and will be sealed by the issuing court.

Where a civil partnership is dissolved in the UK, a dissolution order is issued by a county court.

An overseas divorce or dissolution will be valid if it is recognised under the law of the country in which it was obtained, and at the date of commencement of divorce proceedings or on the date on which the divorce was obtained (as relevant), either party was either habitually residence or domiciled in that country, or a national of that country (see [section 46\(1\) Family Law Act 1986](#)).

If you are satisfied the official document is genuine it can be accepted as evidence that the previous relationship has ended in divorce or dissolution.

Evidence of the end of a previous durable relationship

If the applicant says on the application form that they are no longer in a previous durable relationship, this can be evidenced for example by showing sale of a property or that the applicant now lives with or has married or entered into a civil partnership with a new partner.

However, it is accepted that in some cases applicants will not be able to provide documentary evidence that a previous durable relationship has permanently broken down. In such cases you should consider any statement the applicant has made as part of their application to explain their circumstances.

Where there is no documentary evidence of the end of a previous relationship

Where an applicant cannot provide documentary evidence of the end of a previous relationship and they are now in a valid marriage or civil partnership with their current partner this can be accepted as evidence of the end of any previous relationship. It is a pre-condition for a marriage or civil partnership in the UK, and most other countries, that there has been a divorce or dissolution of a previous marriage or civil partnership.

If you are satisfied the evidence provided of the end of a previous relationship is false, you should refuse the application on suitability grounds: see guidance on False representations, deception, false documents, non-disclosure of relevant facts..

If you are not satisfied the previous marriage or civil partnership of the applicant or their current partner has ended and the applicant is married to or in a civil partnership with their current partner and they are not within the exception for [polyamorous or polyandrous](#) relationships you should refuse the application.

Related content

[Contents](#)

Polygamous and polyandrous relationships

This section explains how to assess when a polygamous or polyandrous relationship is recognised and meets the exception in the rules.

You do not need to consider this where a person was married or entered into a civil partnership with their current partner in the UK as this would have been checked before the marriage or civil partnership. Polygamous or polyandrous marriages or civil partnerships contracted in the UK are not valid under UK law.

You only need to consider this at the person's first application as a partner, where the person is in a new relationship, or where they have declared on their application they are in a new additional relationship.

To establish whether the applicant is in a polygamous or polyandrous marriage, check the application form. The applicant must confirm on their application if previous relationships have broken down and provide the names of previous partners.

Where there is a reason to believe a person is in a polygamous or polyandrous relationship you can check the parties' immigration history on the relevant casework system.

In these cases, you should still expect to see evidence of a [valid marriage or civil partnership](#) between the applicant and the current partner.

In some countries polygamous or polyandrous marriages are permitted under the law of the country in which the marriage took place. This means that where marriage has taken place outside of the UK and was contracted in accordance with the law of the country in which it took place it may be a valid marriage in the UK.

However, if the applicant or their partner is currently in a polygamous or polyandrous marriage or civil partnership, they may only rely on that marriage or civil partnership where no other party to the polygamous or polyandrous relationship (who is not either applying or sponsoring the application) has not been granted, currently or previously either:

- permission to enter or stay (except as a visitor or person in transit)
- settlement
- a certificate of entitlement to Right of Abode in the UK

Where an applicant is seeking to rely on a polygamous or polyandrous marriage or civil partnership entered into outside the UK, you must establish whether this type of marriages or civil partnership is permitted under the law of the country where it took place. Where the marriage or civil partnership is not legally recognised in the country where it took place it cannot be relied on.

Where a polygamous or polyandrous marriage or civil partnership is not recognised by law in the country where it took place, it is not valid, but you may consider whether the applicant meets the requirement to have shown a [durable relationship](#) with their current partner (but the previous relationship must have permanently broken down)

If you have reason to believe that either or the parties are in a polygamous or polyandrous relationship, you should contact the applicant or their partner applying and ask them about their circumstances.

Related content

[Contents](#)

Requirement for partners to have met in person

This section explains when and how to assess the requirement for partners to have met in person.

You do not need to consider this where a person was married or entered into a civil partnership in the UK as the marriage or civil partnership will have been in person.

In any other case, the applicant applying as a partner for the first time will be asked on the application form whether they have met in person and when. You should check the answer given.

In most cases if the applicant has said the couple have met you will not need to see specific evidence as either the details of the marriage or civil partnership or the evidence of a durable relationship will show that the parties have met.

Where applicant has said the couple have not met you should contact the applicant and make further enquiries: see guidance on evidential flexibility.

However, if the marriage or civil partnership overseas was by proxy, even if it is valid and recognised in the UK (see section on [genuine and subsisting relationship](#)), and after further enquiries you are not satisfied the couple have met they will not meet this requirement and should be refused.

Related content

[Contents](#)

Durable relationship

This section explains how to assess that a person is in a durable relationship where they are not married or in a civil partnership.

You only need to consider this at the person's first application as a partner, or where the person is relying on a new relationship.

What is a durable relationship

Where the applicant and their partner are not married or in a civil partnership, they must demonstrate they have been in a relationship similar to marriage or civil partnership for at least 2 years before the date of application.

For a relationship to be similar to marriage or civil partnership the couple must usually have lived together as a couple (not just as friends) and shown an ongoing commitment to one another. However, in some circumstances there may be evidence of a durable relationship similar to marriage or civil partnership where the couple have not, or currently do not, live together.

Assessing a durable relationship

An applicant can show cohabitation by evidence of shared living arrangements, such as mortgage agreements, tenancy arrangements or utility bills which show both partners living at the same address over the same period of time. Such evidence does not need to be in both names if it covers the same time period and the same address. There is no need for you to see numerous pieces of evidence covering the same period of time.

A relationship can still be recognised as meeting the requirement for a durable relationship where, for example, there is a good reason the partners are living apart which is still consistent with them having a relationship similar to marriage or civil partnership. For example, they may currently live apart because one party is studying in another country, or they have to live apart for work reasons, or while applying for immigration permission in another country. In such circumstances a durable relationship can still meet the requirements, but you will need to be satisfied the relationship is durable and [genuine and subsisting](#) even though they are living apart. For example, there may be evidence that although they are currently living apart, they have lived together in a durable relationship in the past and intend to do so again in the future.

However, in some cases the couple may not have lived together and you will need to be satisfied the relationship is similar to a marriage or civil partnership and has subsisted for more than 2 years.

In some countries unmarried partners cannot live together and you will need to assess whether the relationship is similar to a marriage or civil partnership, in that it is more than a boyfriend/girlfriend type relationship.

In some countries same-sex relationships might not be recognised or accepted by the society, which in turn might make it difficult or even impossible for same-sex partners to cohabit. Where an applicant says this is the case, you should check the relevant Country Policy and Information Notes, to confirm this is consistent with the information available. Instead of evidence of cohabitation, you will want to see other evidence of an ongoing relationship such as evidence of regular communication, visits, holidays, events attended, financial support, joint care of any children the partners have together, or any other evidence showing an ongoing relationship.

Where the couple have entered into their relationship in the UK or in a country where same-sex relationships are accepted they will normally be expected to have cohabited unless there is a good reason they live apart.

Where there is no documentary evidence of a durable relationship

Where an applicant cannot provide documentary evidence of a durable relationship you must consider any explanation they have provided for the lack of such evidence. Where you have concerns about a durable relationship, you may wish to contact the applicant or their partner to seek further information about their circumstances.

The evidence of a [genuine and subsisting relationship](#) will often also be evidence of a durable relationship.

If you are not satisfied that the applicant and their partner are in a durable relationship you must refuse the application.

Related content

[Contents](#)

Genuine and subsisting relationship requirement (assessing a relationship for the first time)

The section explains how to assess whether a relationship is both genuine and subsisting where an applicant is applying as a partner for the first time based on their current relationship.

Where the applicant and partner are married or in a civil partnership, they will generally have satisfied the genuineness part of this requirement by providing evidence of a valid marriage or civil partnership. Where there is reason to believe this relationship is a sham see guidance Marriage and civil partnership referral and investigation scheme: statutory guidance for Home Office staff. If relevant, apply the guidance on Suitability: sham marriage or civil partnership.

Each relationship is unique in regard to how it started, developed, and has subsisted and it is therefore important to consider each relationship on its own facts and avoid presumptions and unreasonable expectations. Cultural and religious practices may be relevant when assessing whether a relationship is genuine and subsisting. See section on [Cultural awareness](#).

Evidence of a genuine and subsisting relationship

When you consider the relationship for the first time, you should examine the available evidence to satisfy yourself that, on the balance of probabilities, it is genuine and subsisting. This can be done by a combination of all or some of the following:

- information provided by the applicant on the application form
- the signed declaration from the partner that accompanies the application
- evidence provided in support of the application
- where available (in the UK), [direct checks](#) with third parties.

Applicants will be asked on the application form to provide documentary evidence unless [direct checks](#) apply.

There is no specified evidence for proof of relationship so you cannot refuse an application for lack of a particular document but must consider whether you are satisfied that the relationship is genuine and subsisting on the balance of probabilities (in that it is more likely than not the requirements are met).

You should not need to see numerous documents covering an extended period to be satisfied the relationship is genuine and subsisting. However, evidence of a genuine and subsisting relationship is strengthened where there is evidence of living together over time, for example, shared financial responsibilities and household bills over the last 12 months. Depending on the circumstances of the applicant and their partner

some applicants will have more, some will have less, supporting evidence. Cultural awareness is important part of the decision-making process, and you must ensure you reduce the risk of imposing a high burden of proof on applicants.

The [table below](#) shows the types of evidence an applicant can provide to show that they are in genuine and subsisting relationship with their partner. The table divides the evidence into 3 broad categories – strong, acceptable, weak.

Strong evidence is evidence that is issued by an organisation and/or service provider that carries out checks on the person involved, for example their identity, address, immigration status. This evidence is official and verified by the issuing organisation. You should give this evidence the most weight. Where an applicant can show sufficient strong evidence to satisfy you that the relationship is genuine and subsisting, you do not need to see other types of evidence.

Acceptable evidence includes documents issued by a third party organisation or service provider but may not have involved checks on the person involved and therefore may not have been verified as correct by the third party organisation, and/or it may be outdated. You should give this evidence reasonable weight but may want to see more than one piece of such evidence or take account of the applicant's wider circumstances to consider why they have not provided strong evidence.

Weak evidence includes evidence from individuals with no official capacity or has not been verified by the provider of the document. There is a higher chance that such evidence may be false, or it may only indirectly show information relevant to what you are trying to assess. You should give this evidence some weight but may want to see it in combination with one of 2 examples of strong or acceptable evidence. You must take into account the applicant's wider circumstances to consider if there is a reasonable explanation for why they have not provided strong or acceptable evidence. You may want to contact an applicant who has only provided weak evidence to seek more information on their circumstances. You should not refuse an application simply because the applicant has only provided weak evidence. You must assess all the evidence and decide whether you are satisfied on the balance of probabilities (in that it is more likely than not) that the relationship is genuine and subsisting.

Ideally any evidence will show both the applicants' and their sponsoring-partner's names, where it does not, the different pieces of evidence provided should cover the same time period.

See sections on:

- [cultural awareness](#)
- [standard of proof](#)
- [evidential flexibility](#)
- [where there is no documentary evidence for genuine and subsisting relationship](#)

Genuine and subsiding relationship	Strong evidence	Acceptable evidence	Weak evidence
Valid Marriage/civil partnership (where relevant)	Marriage certificate Certificate of civil partnership	-	-
Co-habitation – these documents should show both names, or should link the person who is applying as a partner and their partner-sponsor to the same address over time	Tenancy agreement; mortgage agreement; letter from landlord, documents of ownership deeds Utility Bills – for example council tax; electricity; gas; water Other bills - for example phone; TV licence; cable TV Other official documents linking applicant and partner to same address - driving licences, GP/medical letters, payslips, DWP/HMRC letters	Electoral register confirmation Documentation issued by a student finance body that shows a UK address Other dated, UK addressed domestic bills, for example, veterinary bills or home services/repairs	Letters of support from friends/relatives or religious leaders with British Citizenship Written statement from applicant
Shared financial Responsibilities	Bank statements (joined or individual); mortgage agreement	Insurances; car finances; joined purchases receipts Other domestic bills - home services/repairs, veterinary bills	
Other evidence showing genuine and subsiding relationship (when apart)	Money transfers; bank transactions Birth certificate of children (where relevant) Temporary work contract/employment letter	Flight/train/bus tickets; Holiday bookings	Communication records (certified transcripts) Photographs of times spent together

Genuine and subsisting relationship	Strong evidence	Acceptable evidence	Weak evidence
	Study course documents		Written statements from applicant Letters of support from family, friends, family doctors, religious or tribal leaders

Where there is no documentary evidence of a genuine and subsisting relationship

There will be cases where there is not sufficient documentary evidence to satisfy you a relationship is genuine and subsisting, either through direct checks (where available) or documentary evidence.

Where an applicant cannot provide any documentary evidence to show a genuine and subsisting relationship you must consider any explanation they have provided for the lack of evidence. You must determine whether this is reasonable and whether you are nonetheless satisfied that the relationship is genuine and subsisting.

If the applicant has not provided an explanation of any gaps in evidence on the form, you may contact the applicant and request further evidence: see guidance on evidential flexibility.

If you think you do not have sufficient evidence (both documentary and explanation) to decide whether the relationship is genuine and subsisting you may consider arranging an interview to explore the relationship in more detail before deciding the application. You should discuss with your Senior Caseworker whether an interview would be appropriate in the particular case. For indicators as to when an interview may be appropriate in testing genuineness and substance of a relationship refer to guidance on Marriage investigations.

If you are not satisfied that the applicant and their partner are in a genuine and subsisting relationship, you must refuse the application.

If you think there are grounds for believing the applicant or their partner are involved in a sham marriage or a sham civil partnership you should consider whether triggering a marriage investigation might be appropriate. For indicators of sham marriage, as well as key elements of a marriage interview see guidance on Marriage Investigations. You should also discuss the case with a Senior Caseworker.

Related content

[Contents](#)

Subsisting relationship (second and subsequent applications with the same partner)

This section explains how to assess applications from an applicant who has been successful in their previous application on the basis of their relationship with their current partner.

You must consider if the relationship is subsisting.

Where an applicant has already proven the genuineness of their relationship in a successful application, where there is a subsequent application based on the same relationship, you normally only need to be satisfied the relationship is subsisting. This means that the relationship is current and continuing. You do not need to re-consider whether other relationship requirements are met, as this has already been accepted at previous successful application. You do not need to reconsider evidence already accepted in a previous application.

Generally, a relationship can be accepted as subsisting where the partners' circumstances have not changed, or if they have changed, they have done so in a way that is consistent with the relationship continuing. This usually involves cohabitation, shared financial responsibilities and shared common household responsibilities, however, there may be circumstances where a relationship is subsisting despite the partners living apart.

If the applicant and their partner are not living together, especially if they have not lived together for a while or they have not lived together since the partner came to the UK, you need to be satisfied there is a reasonable explanation for them living apart. A reasonable explanation might include if they cannot live together temporarily due to work, or if one partner is living temporarily with a close family member to provide care. In such cases you will need to be satisfied the living apart is temporary and that despite it the relationship is still subsisting. You should also expect to see additional evidence of commitment such as shared financial responsibility or visits to be satisfied the relationship has not broken down.

However, if, after the first grant of permission, further information comes to light that leads you to suspect the relationship is not genuine, you should consider this again. You can request further evidence if it is needed to satisfy you that the relationship is genuine and you should write to the applicant to request this or follow guidance on Marriage and civil partnership referral and investigation scheme: statutory guidance for Home Office staff. If relevant, apply the guidance on Suitability: sham marriage or civil partnership.

Evidence of a subsisting relationship

Applicants for settlement will not be asked on the application form to provide documentary evidence of their relationship subsisting unless their circumstances have changed since their last application for permission.

You can assess that a relationship is subsisting through a combination of:

- information provided by the applicant on the application form
- direct checks with third parties

You will only need to see documentary evidence where you are not satisfied the relationship is subsisting, in such cases you should write to the applicant to [request evidence](#).

Direct checks (where both partners are in the UK)

Where the couple are both living in the UK, you may use direct checks to assess whether a relationship is durable and / or subsisting.

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Where direct checks results are any of the following:

- show the couple are not currently cohabiting
- return a response that is not clear
- show information that is not consistent with the information given on the form
- show that a couple have not been living together for significant periods, for example more than brief and temporary absences

you should not automatically refuse the application. Instead, you should contact the applicant to request evidence of a genuine and subsisting relationship. You may refer them to the documents outlined in table of [supporting evidence](#) as a guide to what they should provide. You should prompt the applicant to explain any lack of evidence or periods when they were not cohabiting: see guidance on Evidential flexibility.

Where there is no documentary evidence of a subsisting relationship

There is no specified evidence for a subsisting relationship so you cannot refuse an application for lack of a particular document. You must consider whether you are satisfied on the balance of probabilities that the relationship is subsisting.

You should consider all evidence and explanations (where relevant) before making a decision. You may also consider arranging an interview if you think this is necessary. Ensure that you seek advice from a Senior Caseworker.

If you are not satisfied that the relationship is subsisting you must refuse the application.

Cultural awareness

You must not presume that relationships always start, develop and subsist in the same way relationships commonly do in the UK. Every relationship is unique, and its start, development and continuation are usually influenced by local customs and traditions. Cultural awareness therefore is an important element in the decision-making process. It ensures understanding, impartiality and provides context for circumstances and practices that are not common in the UK.

For example, in some cultures, religious or cultural customs may affect the evidence an applicant can provide, for example if:

- they only permit co-habitation of partners if marriage has taken place
- they discriminate against gay and lesbian relationships, meaning same-sex couples cannot easily live together
- they are patriarchal and do not routinely include women on official documents such as household bills or financial evidence

Good cultural awareness will mean that each case is considered on its individual circumstances and the evidence available takes into account all relevant factors.

You may find information about country-specific customs in the relevant Country Policy and Information Notes.

Related content

[Contents](#)

Evidential flexibility

If you are not satisfied that the relationship requirements are met you must consider whether the applicant may have further evidence that would satisfy you. You should apply the evidential flexibility guidance. For example, where you are relying, in the first instance, on [direct checks](#) with a third party to check whether a relationship is genuine and subsisting, if the checks do not satisfy you that the requirement is met you must contact the applicant to request further information or consider whether to interview the applicant: see: the 'interview' section of Marriage and civil partnership referral and investigation scheme: statutory guidance for Home Office staff.

An applicant who is asked to attend a Service and Support Centre (SSC) may have provided additional evidence that has not been retained. In these cases, the SSC staff should have logged the evidence that an applicant offered which has not been scanned and stored in the case work system. If you are not satisfied the relationship requirements are met you must consider this log of additional evidence and, if it may be relevant to your decision, you should request it from the applicant using the Evidential flexibility – further information template from the further actions screens. You must consider any further information provided before you decide the application.

Where an applicant is applying under Appendix Ukraine Scheme and has difficulties providing evidence see: Ukraine Scheme guidance.

Translations

If a document is not in English and is not accompanied by certified translation, you should contact the applicant and ask them to provide a certified translation.

Related content

[Contents](#)