

# IMMIGRATION ACT 2014

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Marriage and Civil Partnership**

##### ***Chapter 1: Referral and Investigation of Proposed Marriages and Civil Partnerships***

##### ***Section 51: Investigations: supplementary***

243. *Subsection (1)* provides that a notice given by the Secretary of State under section 48 that the Secretary of State has decided to investigate whether a proposed marriage or civil partnership is a sham must include notice that the compliance question must be decided within a period of 70 days from the date on which the couple gave notice; notice of the date on which that period will end; notice that the couple may be required to comply with requirements imposed as part of the investigation; and information prescribed under subsection (3) about the investigation.
244. *Subsection (2)* allows a notice given under section 48 to include such other information as the Secretary of State considers appropriate.
245. *Subsection (3)* contains an enabling power for the Secretary of State to prescribe in regulations what information must be included in the section 48 notice and provides that this may include information about the conduct of an investigation; the requirements with which the parties to the proposed marriage or civil partnership must comply; the consequences of failing to comply with those or any other requirements; the possible outcomes of the investigation; and the consequences of those outcomes.
246. *Subsection (4)* allows the Secretary of State, by regulations, to specify requirements relating to the investigation which may be imposed on the parties to a proposed marriage or civil partnership in accordance with section 50(3). The first regulations made under this subsection and subsection (3) are subject to the affirmative resolution procedure (see section 74(2)).
247. *Subsection (5)* enables regulations made by the Secretary of State under subsection (4) to specify in particular, a requirement on an individual(s) to make contact in a particular way within a particular time period (including by telephone); a requirement for the couple to be present at a particular place at a particular time; to be visited at home; to be interviewed; and to provide information, photographs and evidence.
248. *Subsection (6)* provides that the Secretary of State's powers in relation to marriages or civil partnership suspected to be a sham (including any powers of investigation) remain unaffected by the referral and investigation scheme.
249. *Subsection (7)* defines particular terms used in section 50 and in this section.