

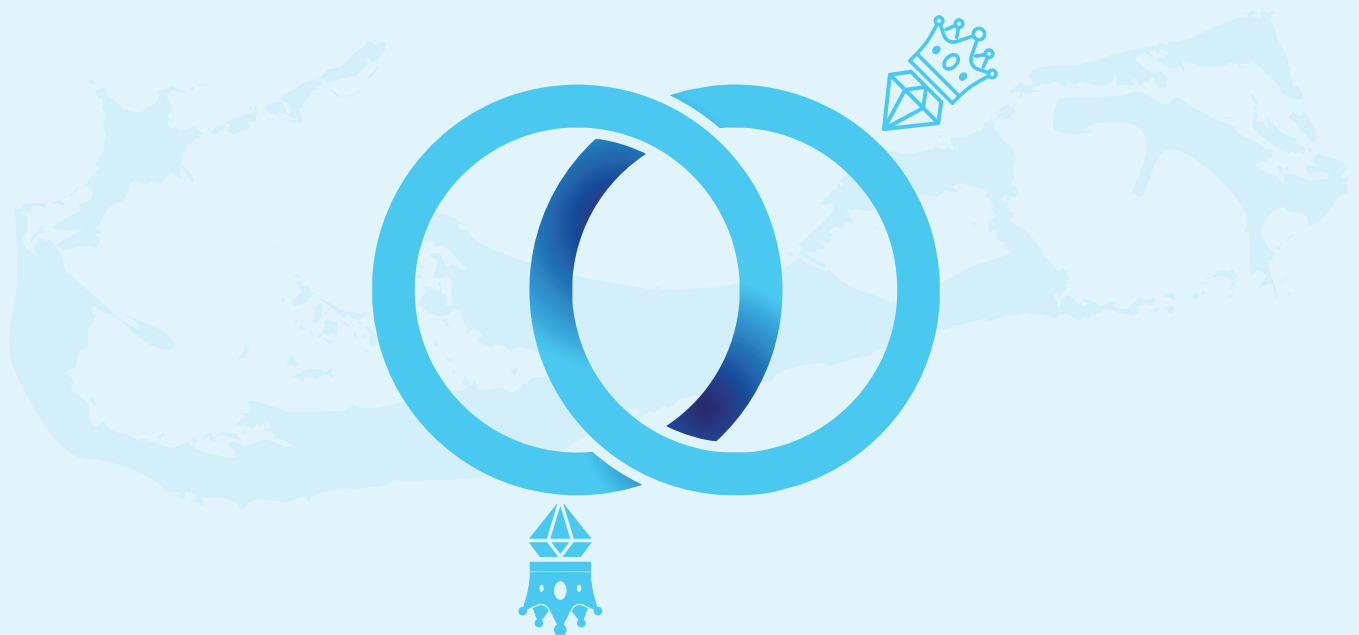


GOVERNMENT OF BERMUDA
Department of Immigration

POLICY PROPOSAL

ADDRESSING SHAM MARRIAGES IN BERMUDA

Strengthening the integrity of the
marriage and immigration systems



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ADDRESSING SHAM MARRIAGES IN BERMUDA

PURPOSE

The Government is developing a policy framework to address sham marriages and strengthen the integrity of Bermuda's immigration systems. The proposed measures are intended to give clear legal authority to identify, investigate, and respond to marriages entered into primarily for immigration or other legal benefits rather than to establish a genuine marital relationship.

The policy seeks to protect the integrity of Bermuda's laws while ensuring legitimate couples are treated fairly and that all actions are consistent with constitutional rights and the principles of due process.

WHAT IS A SHAM MARRIAGE?

Under the proposed framework, a sham marriage would be defined as a marriage entered into primarily to obtain an immigration or legal benefit without a genuine intention to establish a shared life together as spouses.

While most marriages are genuine, international experience shows that marriage can sometimes be used to obtain immigration advantages. Many countries have therefore introduced safeguards to protect the integrity of their immigration systems while preserving the rights of genuine couples.

WHY IS ACTION BEING CONSIDERED?

Bermuda's current legislation does not specifically define sham marriages or provide clear mechanisms for investigating suspected cases. As a result, the Department of Immigration and the Registry General have limited authority to respond when reasonable concerns are raised about a marriage's legal legitimacy.

Although evidence of widespread abuse in Bermuda is limited, gaps in the current legislative framework create potential vulnerabilities that could be exploited. The proposed policy intends to address those vulnerabilities before they become more significant.

The policy also reflects international best practices adopted in jurisdictions such as the United Kingdom, Canada, Australia, the United States, and the Cayman Islands. In these countries governments have implemented measures to detect and deter fraudulent marriages while protecting individual rights.



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KEY FEATURES OF THE PROPOSED FRAMEWORK

Enhanced Verification Measures

The proposal would strengthen the marriage application process by introducing additional requirements for foreign nationals and other applicants to verify their identity where appropriate. Applicants may be required to provide documentation confirming their identity, immigration status, and eligibility to marry.

Both parties would also be required to make a formal declaration confirming that their relationship is genuine and the marriage is not being entered into primarily to obtain an immigration or legal benefit.

Referral of Suspicious Cases

The vast majority of marriage applications would continue to proceed through the normal registration process. However, where objective indicators generate reasonable concerns that a proposed marriage may not be genuine, the Registrar would have authority to refer the matter to the Department of Immigration for further assessment.

Examples of such indicators may include significant inconsistencies in information provided by the parties, documentary irregularities, evidence of financial inducement, or other factors suggesting that additional review is warranted. No single indicator would automatically result in a finding of fraud.

Investigation and Enforcement

The Department of Immigration would be granted clear authority to investigate suspected sham marriages. This could include requesting relevant documents, conducting interviews, and making inquiries necessary to assess the genuineness of a relationship.

Where a sham marriage is established on the evidence, immigration-related benefits obtained through that marriage could be refused, cancelled, or revoked in accordance with the law.

The proposal also includes the creation of a criminal offence for knowingly entering into or facilitating a sham marriage for the purpose of obtaining an immigration or legal benefit. Criminal sanctions would apply only where the required legal standard of proof has been met.



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Safeguarding Individual Rights

A central principle of the proposed framework is that enforcement must be fair, proportionate, and consistent with the Bermuda Constitution and applicable human rights protections.

The policy includes several important safeguards:

- Decisions must be based on evidence and objective criteria.
- Individuals must be informed of concerns affecting their case.
- Individuals must be allowed to respond and provide supporting evidence.
- Decisions must be timely, documented and supported by clear reasons.
- Appropriate review and appeal mechanisms will be available.
- Enforcement measures must not discriminate based on nationality, immigration status, or other protected characteristics.

These safeguards are intended to protect genuine relationships while allowing authorities to address fraudulent conduct effectively and lawfully.

Strengthening Public Confidence

To better understand the nature and extent of sham marriages in Bermuda, the policy also supports improved data collection and monitoring. This will enable evidence-based policy development and ongoing assessment of the effectiveness of the measures introduced.

In addition, public awareness initiatives will help residents understand the legal consequences of sham marriages and the importance of maintaining confidence in Bermuda's marriage and immigration systems.

CONCLUSION

The proposed sham marriage framework is designed to strengthen the integrity of Bermuda's marriage and immigration systems by providing clear legal definitions, appropriate investigative powers, and effective enforcement mechanisms. At the same time, it incorporates strong safeguards to protect constitutional rights, ensure procedural fairness, and preserve the ability of genuine couples to marry without unnecessary interference.

By addressing existing legislative gaps and establishing a balanced, proportionate, and evidence-based approach, the Government aims to deter abuse, uphold public confidence, and ensure that immigration-related benefits are accessed through legitimate and lawful means.



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