

16.07.2019

**PARLIAMENTARY QUESTION**

**B/625**

The Honourable First Member for Curepipe and Midlands (**Mr Adrien Duval**)

*To ask the Honourable Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development –*

**Whether, in regard to fake marriages of non-citizens to citizens of Mauritius, he will state, since January 2015 to date, the (a) measures taken to combat same and (b) number of detected cases thereof and actions taken in relation thereto?**

**REPLY**

Madam Speaker,

Marriages between non-citizens and citizens of Mauritius are governed by section 19A of the Civil Status Act which, *inter alia*, provides that no marriage shall take place between a non-citizen and a citizen of Mauritius unless-

- (a) publication (application and affixing of notice) of the intended marriage is made at the Central Civil Status Office in Port Louis;
- (b) the non-citizen has resided in Mauritius for a continuous period of at least 7 days before the first day of the publication; and
- (c) the non-citizen has produced, at the time of publication, all the relevant certificates related to the genuineness of the marriage.

To minimise any possibility of marriage of convenience between a non-citizen and a citizen of Mauritius, a three - pronged approach has been

put in place by the Civil Status Office (CSD), the Passport and Immigration Office (PIO) and the Prime Minister's Office (PMO).

- At the level of the CSD, upon an application for marriage, an extended list of mandatory documents, is required to be presented by the non-citizen, among others:
  - Original passport
  - Birth certificate
  - Certificate of character;
  - Affidavit sworn before the Supreme Court;
  - Proof of financial means; and
  - Immigration status.

Following submission of all the required documents, the publication is made and a copy of the notice of publication, along with relevant documents, is sent by the CSD to the PIO and PMO for clearance.

Prior to issuing any no objection clearance, the PIO –

- a) scrutinises the notice of publication to examine whether it could be a marriage of convenience;
- b) checks the residence permit or visa records to ascertain whether the non-citizen has overstayed his visa or residence permit; and
- c) verifies whether anything adverse has been reported against the non-citizen (e.g. whether non-citizen is on Control List of PIO or on the Interpol Database)

At the level of my Office, other verifications are made to detect any anomaly in the notice of publication which may constitute a suspicious case of marriage of convenience. The factors which are usually considered with respect to the non-citizens, are mainly the residence and work status, country of origin, date of birth, type of visa and validity of same.

If no objection is conveyed to the CSD, by the PMO, PIO or any other authority or party, within 10 days of the notice of publication, the application is deemed to be in order and the intended couple can proceed with the civil marriage.

However, if there is ground for objection from the PMO, the PIO or any other authority or party, within the 10 days, same is conveyed to the CSD. In such a case, the publication is flagged on the CSD system and the civil marriage is suspended pending a hearing at the level of the CSD, in the presence of the intended couple and the objector/s.

In light of the outcome of the hearing, a decision is taken by the Registrar of the CSD to either withdraw the objection and allow the marriage, or to maintain the objection, under section 22 of the Civil Status Act. The intended couples are informed officially by the CSD of any decision taken.

It is to be noted that whenever an objection to marriage is maintained by the Registrar of the CSD, section 22(3) of the Civil Status Act allows the aggrieved party to apply, within 30 days from the date of which he is informed of the decision, to the Judge in Chambers for an order to quash the decision.

On the other hand, if a marriage is allowed and subsequently evidence is adduced that same is one of convenience, then the Prime Minister's Office may initiate action under section 6(1) of the Immigration Act to deprive the non-citizen of his status of resident.

I am also informed by the CSD, that from January 2015 to 12 July 2019, out of the 3,815 applications for marriage held between non-citizens and citizens of Mauritius, 345 objections to marriage have been raised. Out of these -

- 200 have been withdrawn as satisfactory justifications have been provided by the intended couples during the hearings;
- 118 have been maintained as no adequate justification has been provided by the intended couples;
- 25 have been set aside as the intended couples failed to attend the hearings; and
- 2 are still in process.

I am informed that from January 2015 to date, four cases of marriage of convenience have been reported by the PIO. Appropriate action has been initiated in these cases in accordance with the provisions of the Immigration Act. Section 6(1) of the Act provides that these persons may be deprived of their status of resident.

Madam Speaker,

I am aiming at a zero-tolerance policy regarding marriages of convenience in our country and I have instructed the PIO and the CSD to come up with further measures to reinforce the existing control mechanism.