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Fighting abuse of EU citizens' right to free movement: Commission helps Member States tackle marriages of convenience

Today the European Commission published a [handbook](#) to help EU Member States take action against marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement. The Commission prepared the handbook in close cooperation with Member States following requests by a number of EU countries for support in dealing with the phenomenon. The aim of the handbook is to help national authorities effectively tackle marriages of convenience, while safeguarding the right of EU citizens to free movement. The guidelines published today will also help to ensure that national authorities address this phenomenon - the extent of which varies significantly between Member States¹, - based on the same factual and legal criteria throughout the Union.

"The right to free movement is a fundamental right, at the heart of EU citizenship. It is non-negotiable and this handbook will help strengthen and safeguard it," said Martine Reicherts, the EU's Justice Commissioner. *"Member States need to be well equipped to intervene when marriage is misused to facilitate irregular immigration. Following a call for action by Member States, the European Commission is giving concrete operational guidance to enable national authorities to prevent such abuse. Local authorities are on the frontline when it comes to implementing free movement rules and making them work. I hope this handbook will help them effectively tackle abuse."*

The Commission's handbook outlines the following:

- Operational guidance on how to approach investigations into alleged marriages of convenience;
- Effective investigative techniques developed by national authorities and information on the role that Europol, Eurojust and the European Commission can play in assisting national authorities;
- Advice on the application of a "double-lock mechanism" to minimise the danger of false identification of a genuine couple as abusive;
- An overview of the rules that national authorities must take into account when acting to prevent or tackle abuse and details on what these rules mean in practice.

Background

With over 14 million EU citizens resident in another Member State, free movement – the ability to live, work and study anywhere in the Union – is the EU right most cherished by

¹ http://ec.europa.eu/justice/citizen/document/files/com_2013_837_free-movement_en.pdf

Europeans. EU workers have been benefitting from this right since the dawn of the European Union, with the principle enshrined in the first European Treaty of Rome in 1957 (see [MEMO/13/1041](#)).

In 2012, the Justice and Home Affairs Council agreed that a handbook was necessary to tackle alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement in a bid to fight irregular immigration. On 25 November 2013, the Commission set out five actions to help implement EU rules on free movement within EU Member States (see [IP/13/1151](#)). One of the concrete actions to support national authorities was the preparation, together with Member States, of a handbook on addressing such alleged marriages of convenience.

[EU free movement rules](#) contain a series of safeguards that allow Member States to prevent abuses.

For more information

Homepage of Martine Reicherts, EU Justice Commissioner:

http://ec.europa.eu/commission_2010-2014/reicherts/index_en.htm

Commission Communication and handbook on marriages of convenience in a free movement context:

http://ec.europa.eu/justice/newsroom/citizen/news/140725_en.htm

European Commission – Free movement and residence:

http://ec.europa.eu/justice/citizen/move-live/index_en.htm

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