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EARLY WARNING NOTIFICATION

Marriages of convenience: A link between facilitation of illegal immigration and THB

What is not new? Marriages of convenience as a *modus operandi* for the facilitation of illegal immigration

Europol regularly receives contributions detailing the involvement of organised crime groups (OCGs) in organising marriages of convenience. In most of these cases, the marriage only serves to “legalise” the residence status of an irregular migrant. A marriage of convenience is defined as “a marriage contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State.”¹ If the organisation of these marriages is linked to OCGs, it is a sub-phenomenon or *modus operandi* of **facilitation of illegal immigration**.

In organised marriages of convenience three parties are involved: a third country national (TCN) marrying a European Economic Area (EEA)² national with the help of an organiser or facilitator, which often belongs to an OCG. The third country nationals are mostly men and the EEA nationals are most often women, both from a diverse range of countries. Facilitators tend to have the same nationality as the third country nationals and/or EEA nationals.

Organised marriages of convenience mostly occur with the third country national already present in the EU. Some foreign students revert to a marriage when their student visa is about to expire. After marrying, the third country national obtains a residence permit and can eventually obtain the destination country’s nationality. The third country national’s family might also become eligible for family reunification, which results in a cascade effect associated with each marriage of convenience, allowing the entry of children and parents into the EU.

The focus in these cases is on the third country national as a perpetrator and as a client of an OCG facilitating illegal immigration. The OCG can be involved in facilitating the irregular migrant’s whole journey, including entry into the EU (e.g. using student visa) and legalisation of stay (e.g. via marriage of convenience).

The brides, EEA-nationals, are recruited in their home countries and brought to the marriage location by car, ferry or low-cost airline. Most of these women’s main motivation is financial gain and they enter willingly into a marriage. Amounts paid to brides range between EUR 400 to over EUR 5000. However, some of the women involved experience economic or social difficulties, have a problematic background such as involvement in petty crime or are otherwise vulnerable. Nevertheless, in classic examples of marriages of convenience, the bride is also considered a perpetrator.

What is an emerging trend? Marriages of convenience as a type of exploitation of victims of trafficking in human beings

Europol has noted an increase in contributions linking marriages of convenience to **trafficking in human beings (THB)**. In this scenario women are **trafficked in order to be forced into a marriage of convenience**.

How does it work? Women are recruited in their countries of origin, mostly Eastern European countries. The women targeted are often in vulnerable positions due to economic, societal or even medical reasons (mental health issues). They are lured to

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the country of destination on false pretences such as the promise of a well-paid job. They are then forced into a marriage with a third country national to enable the groom to obtain residence benefits and leave to stay in the EU. The third country national “buys” a wife from a broker. In some cases, the victims are kidnapped and brought to the country of destination against their will. The traffickers take away the women’s documents and hold them captive. The victims are also often sexually abused by the “husband” or otherwise sexually exploited. It is currently unclear whether these brokers belong to networks involved in THB or act as service providers to OCGs facilitating illegal immigration.

The difference with classic examples of marriages of convenience is that the **status of the bride shifts from a perpetrator to a victim**. The **identification of victims of THB** is a challenge in general, and even more so in cases involving sham marriages. The brides may first willingly enter into a marriage, but then the conditions change, they may be lured on false pretences such as a well-paid job and then forced into a marriage, or they may even be kidnapped and coerced into marriage. In investigations not all intelligence may be available to have a clear sight on whether the bride is an accomplice (facilitation of illegal immigration) or a victim (trafficking in human beings), i.e. whether a trafficking element is hidden behind the crime of facilitation of illegal immigration. Where possible, investigations should seek to clarify the status of the bride as accomplice or victim.

It is however noteworthy that suspicions have been raised about EU nationals making false **declarations as victims of trafficking in human beings** in order to escape prosecution for the marriages of convenience they originally consented to.

¹ European Migration Network Glossary: ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_m_en.htm

² The European Economic Area was formed in order to extend the EU’s provisions on its internal market, i.e. provisions in the fields of the free movement of people, goods, services and capital to countries in the European Free Trade Area (EFTA), without requiring these countries to enter into the EU. The EEA includes 27 EU MS (Croatia is awaiting ratification) and three EFTA countries: Iceland, Liechtenstein and Norway.