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Emne: Ærø reaction to Mercados proposals on Wedding turisme in Denmark

See our Thoughts on proposals to resolve the proforma wedding issue here or attached:

1. Have we consulted the Irish? Ms Mercado claimed their plan to centralise controls on international marriages was the Irish solution
 - a. Has the ministry sought help or advice from the Irish?
 - b. If so, can we hear what it was.
 - c. If not, please would they do so? Can we (selected Kommuner and agencies) participate in any discussions?
2. Are they clear what the Irish solution (Operation Vantage) is? There were two elements, (neither of them being centralised processing of international marriage documents).
 - a. First, they appointed Superintendent registrars for each county who were given the right to refuse to marry any international couple and then report them to the justice ministry.
 - b. Second, across-agency working group comprising the Garda National Immigration Bureau, INIS, Department of Social Protection, Workplace Relations Commission(WRC) and General Registrar's Office (GRO) was also established. It aimed to take a "whole of government approach" and to share data and intelligence, tackling the organised crime behind the sham weddings.
3. Are they clear what exactly they are targeting? Not being in love is not the criteria! The Irish specifically targeted men from India, Pakistan, Bangladesh and Mauritius who were marrying women from Eastern Europe and Portugal in order to obtain EU residency, with the women also in some cases being trafficked. The Operation targeted not just the couples but the organised crime behind it.
 - a. The key problem is not whether the documents were genuine, but whether the couples were.
 - b. Note there was an additional element in Ireland (not relevant here) which is that asylum seekers can marry there.
4. Proposals;
 - a. That there is a proper cooperation with the Irish to learn from them before going any further.
 - b. That we define exactly which couples will be subject to scrutiny; I suggest that there is no requirement for any change or scrutiny in the following cases and no change to the current procedure or documentation is required.
 - i. Where neither party is from the EU
 - ii. Where both parties are from the EU
 - iii. Where the nonEU party is travelling visa free
(eg US, Australian, Brazilian etc)
 - iv. Where the nonEU party already has long term residency in the EU (eg Aufenthaltstitel)

- v. Regardless of nationality or circumstance the registrar or agency would always have the option of referring a couple to the central body
- c. That the centralised coordination body like the one set up by the Irish has no role to play in this case unless they plan to investigate any possible Danish organised crime behind the weddings.
- d. That Denmark should appoint Superintendent registrars for each kommune who would have the right to refuse to marry a couple even if their papers are in order
- e. That the kommuner have the right to refuse to deal with agencies who they suspect are in anyway complicit with arranging proforma weddings
- f. That the agencies could and should refer suspect enquiries directly to the police for further action. Those agencies failing to do so could expect to lose the right to work further with the kommuner.
- g. That we consider whether we have the exact same target group as the Irish did. For example, Moroccans, Nigerians, Afghans, Ghanaian Albanians and Tunisians who have visas or residency in Italy or Portugal, who are marrying east European girls, might be added to the list of prime suspects.
- h. That the routine processing of documentation remain with the experts in the Kommuner
- i. That the role of EU family/spouse visas be examined as part of the proposals. Marriage to an EU resident does not give automatic EU residency despite the provisions of EU Directive 2004/38/EC. The couples involved in proforma weddings still have to apply for a spouse/family visa, but the requirements and application varies a lot from country to country. If others had a rigorous system for the issue of spouse/family visas, like Denmark, the problem would be solved regardless of Danish marriage law.
- j. That any solution recognises the immense benefit of the current sensible laws on marriage to Denmark to genuine international couples throughout the world, (especially same-sex couples, mixed faith couples, those from dysfunctional countries, those who cannot meet the complex requirements to marry elsewhere through no fault of their own) and the good this does to our reputation throughout the world.

Kind regards,

Louise & John Moloney

Danish Island weddings