



MINISTERIAL STATEMENT

By:

The Hon. Jason P Hayward, JP, MP

Minister of Ministry of Economy and Labour

Policy Proposal on Sham Marriages

4 September 2026

Mr. Speaker,

I rise today to inform this Honourable House of the Government's proposed policy framework to address sham marriages in Bermuda and to strengthen the integrity of our immigration and legal systems. This policy is outlined in the report, *Addressing Sham Marriages in Bermuda*, laid in the House today, proposes a balanced and constitutionally sound framework aimed at detecting, deterring, and responding to marriages entered into primarily for the purpose of securing immigration or other legal benefits.

Mr. Speaker,

Marriage is a fundamental institution in our society and an important legal relationship that carries significant rights and responsibilities. The Government has a duty to protect both the right of individuals to marry and the integrity of the systems that confer legal and immigration benefits arising from marriage.

While there is currently limited empirical evidence demonstrating the scale of sham marriages in Bermuda, concerns have been raised regarding potential vulnerabilities within the existing legislative framework. The current legal regime does not expressly define sham marriages, nor does it provide the Department of Immigration or the Registry General with clear statutory powers to investigate or address suspected cases. These gaps create the potential for abuse and limit the Government's ability to act where credible concerns arise.

Mr. Speaker,

The proposed policy seeks to address these legislative and operational gaps through a targeted and proportionate approach.

At the centre of the proposal is the introduction of a clear legal definition of a sham marriage. The policy proposes that a sham marriage be defined as a marriage entered into primarily for the purpose of obtaining an immigration or legal benefit without a genuine intention to establish a shared life together as spouses. Establishing this definition will provide the legal clarity necessary to support fair and consistent decision-making.

The policy also recommends amendments to both the Marriage Act 1944 and the Bermuda Immigration and Protection Act 1956. These amendments would provide the Registrar and the Department of Immigration with clearly defined powers and responsibilities when concerns arise regarding the authenticity of a relationship.

Mr. Speaker,

A key feature of the proposal is the adoption of a risk-based approach. The vast majority of marriage applications would continue to proceed through the ordinary process without additional scrutiny.

However, where objective indicators establish reasonable grounds to suspect that a marriage may not be genuine, the Registrar would have the ability to refer the matter to the Department of Immigration for further assessment. Importantly, the policy does not provide the Registrar with the authority to refuse or prevent a marriage solely on suspicion. Instead, any referral process would be subject to strict procedural safeguards and clearly defined time limits.

The policy further proposes enhanced identity verification requirements, sworn declarations confirming the authenticity of the relationship, and investigative powers allowing immigration officers to review documentation, conduct interviews, and make reasonable inquiries where concerns arise.

Mr. Speaker,

The Government recognises that any measures in this area must carefully balance the protection of Bermuda's immigration system with the protection of fundamental rights.

Accordingly, the policy is firmly grounded in constitutional principles and international human rights standards. It provides that all investigative and enforcement actions must be lawful, proportionate, non-discriminatory, and supported by due process protections. Individuals who are the subject of an inquiry would be notified of concerns, provided the opportunity to respond, and afforded access to appropriate review and appeal mechanisms.

The policy also establishes clear evidentiary thresholds. Mere suspicion, speculation, nationality, or immigration status alone would never be sufficient grounds for investigation. Instead, any referral or investigation must be supported by objective and articulable facts demonstrating reasonable grounds for concern.

Mr. Speaker,

In addition to legislative reform, the proposal emphasises operational improvements. The Government intends to strengthen collaboration between the Registry General and the Department of Immigration through clearly defined referral and investigation procedures. Staff training, public awareness initiatives, and enhanced data collection mechanisms will also form part of the broader implementation framework.

These measures will allow Bermuda to move from anecdotal concerns to evidence-based policymaking while ensuring that genuine relationships are respected and protected.

Mr. Speaker,

In closing, the policy framework seeks to provide the Government with appropriate tools to address fraudulent activity while safeguarding the rights of individuals engaged in genuine relationships. This proposal represents a measured and balanced approach to protecting the integrity of Bermuda's marriage and immigration systems.

Thank you, **Mr. Speaker**